

CRM-M-33862-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33862-2024
Date of Decision: 20.11.2024

Mohan Lal Verma and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parveen Sharma, Advocate
for the petitioners.

Mr. Aashish Bishnoi, DAG, Haryana

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
279	22.06.2018	Badshahpur, District Gurugram	406 & 420 IPC

1. The petitioner(s), whose bail bonds were cancelled vide order dated 23.02.2023, instead of surrendering or filing bail application or challenging the order, filed an application before the trial Court for stay of arrest and trial Court stayed their arrest till 27.03.2023 subject to surrender and seek regular bail vide order dated 13.03.2023, petitioner(s) had filed a Criminal revision petition before the Additional Sessions Judge. The Additional Sessions Judge was kind enough to entertain such petition and vide order dated 03.05.2024, directed the petitioners to surrender before the trial Court within three days and asked that their bail application be decided expeditiously. Now petitioners' apprehension is that the moment they surrender, they shall be arrested.

2. Counsel for the petitioner(s) submits that the matter has already been compromised vide compromise deed dated 06.08.2018 (Annexure P-2). In such circumstances, petitioners have come up before this Cout by filing the present petition.

3. State has opposed the present petition by submitting that the same is not maintainable because order of issuance of warrants of arrest is already set aside and order impugned herein is in petitioners' favour.

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4. An analysis of the submissions and the petition would lead to the following outcome. It remains undisputed that when the petitioners got to know about cancellation of personal bonds, they took legal remedy and came up before this Court. It also remains undisputed that it never happened that police officials caught them or they tried to run away to avoid an appearance in Court. In such a situation, the petitioners have proved their case by a preponderance of probabilities and has prima facie established that their non-appearance was beyond their control. The petitioners within a short span on their own came before this Court, undertaking to attend the trial, and it is not the police who have been able to arrest.

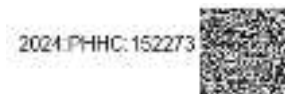
5. Let the petitioners attend the trial because the criminal justice system must not hamper and suffer because of the petitioners.

6. The State's counsel submitted that despite the order dated 03.05.2024 in their favour, petitioners did not surrender and now the period of their surrender, has already expired. He further submits that if this Court is granting any concession to the petitioner(s), it must be subject to some reprimand. The petitioners' counsel declared that if this court imposes reasonable and affordable costs, the petitioners shall deposit the same.

7. Given above, the petitioners shall deposit Rs. 10,000/- each in the Poor Patients Welfare fund, PGIMER, Chandigarh and hand over the receipt of deposit to trial Court by the next date.

8. The petitioners are directed to surrender before the concerned court **on or before 30.11.2024, by 11 AM**. On or before this date, if the petitioners file bail application(s), the concerned trial court to grant bail to the petitioners on surrendering before the concerned Court as petitioners were earlier on bail subject to furnishing bail bonds by imposing reasonable conditions deemed appropriate in the background of the accused's conduct. The petitioners are directed to appear on each date before the trial court and not to delay it.

9. There shall be a stay of the petitioners' arrest in the case mentioned till 30.11.2024, 2.00 P.M. This stay is subject to the petitioners' surrender, failing which this protection shall also be recalled. It is clarified that if the petitioners appear before the



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concerned court, then all warrants issued by the concerned court against the petitioner in the matter mentioned above shall automatically stand recalled and canceled.

10. It is clarified that if the petitioners fail to appear before the concerned court within the time limit mentioned in this order, then this order shall be recalled automatically under section 528 read with 403 of BNSS, 2023, without any further reference to this court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. *A certified copy of this order would not be needed, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the concerned court/ officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.11.2024
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Whether speaking/reasoned: Yes
Whether reportable: NO.