



CRM-M-40496-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-40496-2024

Date of Decision: 28.11.2024

MOHIT GOEL @ MOHIT GOELL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

1. Vide order dated 21.08.2024, this Court directed the petitioner to surrender before the trial Court within a period of 01 week and thereafter he was directed to be admitted on interim bail. The said order is reproduced as under:-

“ The learned counsel for the petitioner contends that the FIR in question was registered on 18.10.2020. The petitioner was granted the concession of regular bail by the Court of Addl. Sessions Judge, Jind on 20.04.2022. On 01.06.2024, the case was listed for supplying copies of the challan as well as for consideration of charge. However, the petitioner already stood arrested in another case on 29.05.2024. Therefore, as he could not appear on that date, his bail was cancelled and his bails bonds and surety bonds stood forfeited on 01.06.2024. He moved an application dated 16.08.2024 (Annexure P-6) seeking recall of the order dated 01.06.2024 (Annexure P-3) stating that he was unable to appear on 01.06.2024 as he was in custody in another case. However, instead of deciding his application to recall the order, the Court has directed him to be present in Court prior to the consideration of his application for recalling. He states that the procedure adopted by the Magistrate is unknown to law.

Notice of motion for 28.10.2024.

In the meantime, the operation of the orders dated 01.06.2024 (Annexure P-3) and 16.08.2024 (Annexure P-7) shall remain stayed. The petitioner is directed to surrender before the Trial Court within a period of 01 week and on his surrendering, he shall be admitted to interim bail.”

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2. Status report by way of an affidavit of Jitender Singh, HPS, Deputy Superintendent of Police, Julana has been filed by the learned State counsel and the same is taken on record. Learned State counsel, at the outset, has submitted that the petitioner has surrendered before the Court below, in compliance with the aforesaid order dated 21.08.2024.

3. Learned counsel for the petitioner has produced on record a copy of order dated 27.08.2024, passed by learned Judicial Magistrate Ist Class, Jind, wherein it has been clarified that the petitioner could not appear before the Court on 01.06.2024 on which date warrant of arrest was issued against him because of the fact that he was already lodged in Tihar Jail, New Delhi in connection with some other case and therefore, absence of the petitioner from the trial was not intentional but due to the circumstances beyond his control. Accordingly, the petitioner has been granted bail vide said order dated 27.08.2024.

4. I have heard learned counsel for the parties.

5. In view of the aforesaid facts, since the petitioner has surrendered before the Court below and has also been granted benefit of bail, the order dated 21.08.2024 granting interim bail to the petitioner is made absolute.

6. Petition stands disposed of accordingly.

28.11.2024***renu*****(GURBIR SINGH)
JUDGE****Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No**