



CRM-M-53833-2024

1

135

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-53833-2024

Date of decision : 28.10.2024

Amit @ Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Anmol Malik, DAG Haryana

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 18.04.2024 (Annexure P-5) passed by Additional District and Sessions Judge, Narnaul vide which bail order of the petitioner was cancelled and non-bailable warrants of arrest were issued for 23.08.2024 in case FIR No. 260 dated 29.09.2019 under Sections 506, 427, 341, 323, 307, 149, 148 IPC and Sections 25, 54, 59 of Arms Act, 1959 registered at Police Station Ateli, District Mahendedrgarh.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and it was only on the basis of disclosure statement that the petitioner has been nominated in this case. He further submits that the petitioner was granted bail vide order dated 11.04.2022 and since then he was regularly appearing before the trial Court. However, on 18.04.2024, the petitioner failed to

appear on time due to breakdown of bus and on account of the same, non-bailable

**CRM-M-53833-2024****2**

warrants were issued. He further submits that his absence was unintentional and he is ready to appear before the trial Court and abide by all terms and conditions imposed upon him.

3. Notice of motion.

4. At asking of the Court, Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent No.1-State.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted anticipatory bail by the trial Court, however, he could not appear before the trial Court on one date i.e. 18.04.2024 and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

7. The objective of the coercive mechanism prescribed is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

8. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear on one date in time.

9. In view of the above, the present petition is allowed. Order dated 18.04.2024 (Annexure P-5) is hereby set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh. The petitioner after depositing the cost as stated above

would appear before the trial Court within one week and file appropriate



CRM-M-53833-2024

3

application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. In the meanwhile, no coercive action would be taken against the petitioner. In case, the petitioner fails to appear before the trial Court within a week or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

28.10.2024
reena

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No