



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

153 CRM-M-57173-2024
DATE OF DECISION: 18.11.2024

AZAD ...PETITIONER
Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ravi Malik, Advocate with
Mr. Sumit Chaudhary, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 of the BNSS for quashing of the impugned order dated 15.02.2024 (P-3) whereby bail of the petitioner was cancelled and bonds are forfeited in FIR no. 70 dated 26.01.2019, u/s 342, 384, 395, 397, 452, 427, 506, 120-B, 201 IPC and Section 25-54-59 of Arms Act registered at PS Assandh, District Karnal, titled as "State V/s Mohit and another", in the interest of justice.

Learned counsel for the petitioner submits the after getting the bail from the Trial Court vide order dated 21.10.2022, the petitioner was appearing on each and every date thereafter on 15.02.2024, the petitioner failed to appear before the Trial Court since he was involved in one more FIR No. 879 dated 14.11.2023 under Section 354-D IPC (Section 346 IPC added later on) registered at P .S. Assandh, Karnal. It is the submission of counsel for the petitioner that on 15.02.2024, due to above stated circumstance, the petitioner could not move application for personal exemption and accordingly, the bail of the petitioner was



cancelled and bonds are forfeited to the State and his presence was ordered to be secured through non-bailable warrants as is evident from the order dated 15.02.2024. He contends that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.



The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

Consequently, the impugned order dated 15.02.2024 is ordered to be quashed vide which the presence of the petitioner was secured through non-bailable warrants and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

18.11.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No