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

CRM-M-56773-2024

Date of Decision:- 13.11.2024

Vivek alias Mota alias Vivek Kumar Yadav

...Petitioner

Vs.

U.T. Chandigarh

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Tejeshwar Singh, Advocate
for the petitioner.

Mr. Y.S. Rathore, Addl. P.P. UT, Chandigarh.
(through Video Conferencing)

AMARJOT BHATTI, J.

1. Petitioner Vivek alias Mota alias Vivek Kumar Yadav has filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of orders dated 11.10.2024 and 23.10.2024 (Annexures P-2 and P-3) passed by learned Additional Sessions Judge, Chandigarh, whereby bail granted to petitioner was cancelled and arrest warrant has been issued against him in case No. SC 80/2024 dated 17.05.2024, titled "State Vs. Akil alias Mula & Ors.", pertaining to FIR No. 11 dated 14.01.2024, registered at Police Station Sector 39, Chandigarh, under Sections 379-A, 34 of IPC (Section 411 IPC added later on during course of investigation).



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2. Learned counsel for petitioner pointed out that petitioner was granted concession of regular bail by learned trial Court vide order dated 04.10.2024, Annexure P-5. On 11.10.2024, petitioner got absent, resulting in passing of impugned order dated 11.10.2024 (Annexure P-2), whereby his bail was cancelled and bail bonds were forfeited and subsequently, petitioner was summoned through arrest warrants for appearance on 23.10.2024. However, as per order dated 23.10.2024 (Annexure P-3), warrants were returned unexecuted and fresh arrest warrants were issued for 28.11.2024. Learned counsel for petitioner argued that due to miscommunication with his counsel, wrong date was noted. There was no intentional absence to delay the proceedings of trial. He is ready to face trial. Therefore, impugned orders dated 11.10.2024 and 23.10.2024 (Annexures P-2 and P-3) may kindly be set aside and he may be granted bail.

3. Notice of motion.

4. On asking of this Court, Mr. Y.S. Rathore, Addl. P.P. UT, Chandigarh accepts notice on behalf of official respondent, who appeared through Video Conferencing.

5. Learned counsel for petitioner has placed on record all relevant *zimni* orders passed in this case from time to time. Therefore, no status report is required for disposal of present petition. However, learned counsel representing UT, Chandigarh opposed the petition.

6. I have considered the arguments and have gone through the record carefully. Learned counsel for petitioner has placed on record order



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dated 04.10.2024, Annexure P-5, vide which he was granted regular bail by learned trial Court. He has also placed on record impugned *zimni* order dated 11.10.2024, Annexure P-2 as per which he was marked absent and his bail was cancelled and bonds were forfeited to State and his arrest warrants were issued for 23.10.2024. On next date i.e. 23.10.2024, warrants were returned unexecuted and fresh arrest warrants were issued, for 28.11.2024. Learned counsel for petitioner pointed out that there was no intentional absence. Petitioner is ready to face trial and appear before learned trial Court on the next date i.e. 28.11.2024. Lenient view is taken and accordingly, impugned orders dated 11.10.2024 and 23.10.2024 (Annexures P-2 and P-3) are set aside, subject to payment of cost of ₹10,000/- with District Legal Services Authority, Chandigarh. Petitioner is directed to surrender before the trial Court within 10 days from today and be released on bail on furnishing requisite bail and surety bonds to the satisfaction of trial Court/Duty Judge concerned, failing which, concerned Court will proceed as per law.

7. Petition is accordingly, disposed of.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

13.11.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No