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CRM-M-64222-2023

Neutral Citation No.2024:PHHC:064552
-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64222-2023
Date of decision: 08.052024

AJAY KUMAR @ ANSHU @ BHOLA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ankit, Advocate for
Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

Heard.

2. Learned State counsel on instructions from ASI Raj Singh, P.S. Faridkot submits that in compliance to the order dated 20.12.2023 the petitioner has already appeared in the learned Trial Court and furnished the requisite bail bonds. This fact is not disputed by learned State counsel,

3. During course of hearing on 20.12.2023, following order was passed:

“The instant petition under Section 482 Cr.P.C. has been filed for setting aside the impugned order dated 05.09.2023 (Annexure P-3) passed by learned Judge, Special Court, Faridkot, whereby the bail of the petitioner has been cancelled and bail bonds have been forfeited to the State.

2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been granted*

concession of bail in the FIR (Annexure P-1), had been regularly appearing in the Court. He submits that the challan against the petitioner was presented in Court on 21.08.2023 in the presence of the petitioner and the next date given was 05.09.2023, but due to inadvertence, the petitioner wrongly noted the date and could not appear in Court on the adjourned date. On adjourned date i.e. 05.09.2023, due to non-appearance of the petitioner, the bail order was cancelled and bail bonds have been forfeited to State, besides the petitioner having been ordered to be served through non-bailable warrants of arrest. He submits that the absence of the petitioner on the aforesaid date was not intentional and the petitioner is ready to appear and undertake that he will regularly appear on each and every date of hearing in future. He submits that the next date of hearing fixed in the trial Court is 08.01.2024.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State.*

5. *After considering respective submissions and without commenting on the merits of the case, the petitioner is directed to appear in the trial Court on or before 06.01.2024 and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

6. *List on 09.01.2024.”*

4. Keeping in view the aforesaid submissions and the perusal of the order passed by learned Trial Court on 08.01.2024, it is evident that the

petitioner has already appeared in the learned Trial Court in compliance with the order dated 20.12.2023 passed by this Court and has furnished the requisite bail bonds and the non-bailable warrants qua the petitioner were issued by the learned Trial Court on account of absence from the date of hearing.

5. Since the petitioner has already complied with the order dated 20.12.2023 and furnished the requisite bail bonds consequent to the impugned order dated 05.09.2023 (*supra*), the interim bail granted vide order dated 20.12.2023, is hereby confirmed. The petitioner is directed to join investigation as and when required in future also by way of a written notice for such purpose to be served by learned Trial Court of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case.

6. With these observations, impugned order dated 05.09.2023 (Annexure P-3) passed by learned Judge, Special Court, Faridkot, is set aside and the instant petition stands allowed.

08.05.2024
puneet

(SANJIV BERRY)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |