

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

106

CRM-M-59891-2024

Date of Decision : November 29, 2024

DINESH MOHEL

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through this second petition, prayer is made for grant of anticipatory bail to the petitioner, in case FIR No.30 dated 30.01.2020, registered under Section 15(c) of the N.D.P.S. Act (Section 476 of the IPC added subsequently), at P.S. Farrukh Nagar, District Gurugram.

2. The learned counsel for the petitioner submits that, earlier the petitioner was granted the relief of anticipatory bail by this Court, vide order dated 26.07.2021, and thereafter, the petitioner was regularly appearing in the trial court proceedings. However, on account of petitioner's absence before the learned trial Court on 22.11.2024, which was neither intentional nor wilful, rather was *bona fide* owing to his ill health, the learned trial Court drew the order dated 22.11.2024 (Annexure P-6), thereby dismissing his bail and forfeiting his bonds to the State. Moreover, warrants of arrest have also been issued against the petitioner.

3. Although the learned counsel for the petitioner made a vociferous attempt to assail the validity of the order (Annexure P-6), however, he failed in his endeavour. In the above scenario, the learned counsel for the petitioner

makes a request that the petitioner does not have any intention to escape from the clutches of law and he is ready and willing to join the trial proceedings, in case he is granted adequate protection.

4. Although this Court does not find any illegality or perversity in the order (Annexure P-6), however, considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind issuance of “warrants of arrest”, which is in fact to secure the presence of an accused for facing trial, can be achieved through the petitioner becoming directed to cause appearance before the learned trial Court, therefore, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court within 10 days from today. In case, the petitioner appears within the above stipulated period and furnishes fresh bonds to the satisfaction of the learned trial Court, he shall be released on bail. The operation of the order (Annexure P-6) shall remain stayed for the next 10 days.

5. However, in case, the petitioner fails to appear before the learned trial Court within the above stipulated period, the protection granted hereinabove *qua* his arrest shall stand *ipso facto* vacated, without any further reference to this Court.

6. It is also clarified that this order does not cause any impediment for the learned trial Court to initiate proceedings under Section 446 of the Cr.P.C./491 of the B.N.S.S.

7. Disposed of accordingly.

November 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No