



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7111-2025
Date of Decision: 07.02.2025

RAVI ALIAS PUJARI

....Petitioner(s)

VERSUS

STATE OF HARYANA

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Hritik Gupta, Advocate for
Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 582 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 05.10.2023 (Annexure P-1), whereby the non-bailable warrants have been issued against him (accused), on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
141	19.05.2018	323, 325, 341, 452, 285 & 307 read with 34 of IPC and 25, 54, 59 of Arms Act	Bhuna	Fatehabad

2. Learned counsel for the petitioner submits that bail of the petitioner has been cancelled on 05.10.2023 whereas on the said date, petitioner was already in custody in some other case i.e. FIR No.290 dated 20.07.2023, registered at Police Station Bhuna (Fatehabad) and to substantiate his plea, counsel refers to the order dated 20.09.2023 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Fatehabad, wherein, presence of the petitioner Ravi @ Pujari has been recorded by noticing that he is in custody and represented by his counsel Mr. Sachin



CRM-M-7111-2025

2

Sachdeva and Ajay Sinwar, Advocates, where he was produced through video conferencing. Thereafter, proceedings were adjourned to 03.10.2023. Again counsel refers to the order dated 03.10.2023 (Annexure P-8), where also, presence of the petitioner has been recorded while he was in custody and proceedings were posted for 17.10.2023.

Thus, submits that on the day when impugned order dated 05.10.2023 was passed, petitioner was already in custody and nothing was within his control to appear before the trial Court at his own. It was upon prosecution agency to inform the Court or point out the Court about the involvement and confinement of the petitioner in FIR No.290 dated 20.07.2023, registered at Police Station Bhuna (Fatehabad). Thus, the order of cancellation of bail is factually incorrect and, therefore, it requires to be recalled.

3. Notice of motion.

4. Learned State counsel, appearing on advance notice, does not dispute the factual aspects and more for the reason that arguments are based upon the documents which are appended with the present petition.

5. There is no reason for this Court to ignore that on 05.07.2023, when the bail was cancelled, petitioner was already inside jail in FIR No.290 dated 20.07.2023, registered at Police Station Bhuna (Fatehabad).

Be that as it may. Order dated 05.10.2023 is hereby set aside to the extent of cancelling the bail of the petitioner - Ravi @ Pujari and also to the effect of initiating the proceedings under Section 446 Cr.P.C. in regard to the surety.

Petitioner is, thus, directed to be released on bail on his production before the Court and in case, the bail bonds are still to be forfeited to State, the same bail bonds would be accepted, otherwise, the petitioner would furnish fresh bonds to the satisfaction of the trial Court.

5. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 07, 2025

Sangeeta

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No