



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

CRM-M-13019-2025

Date of decision: 20.03.2025

HARSH KUMAR ALIAS TUTTAL

....PETITIONER

Versus

STATE OF UT CHANDIGARH

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Kulwinder Bhargav, Advocate for the petitioner.

Mr. Manish Bansal, P.P. U.T. Chandigarh.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023 read with Section 482 Cr.P.C., has been filed for quashing of the impugned order dated 28.02.2025 (Annexure P-3) passed by the learned Additional Sessions Judge, Chandigarh, in FIR No.139 dated 31.08.2024 registered under Sections 191 (2), 191 (3), 190, 115 (2), 324 (6), 109, 309 (4), 309 (6), 351 (2) of BNS at P.S. Sector 39, Chandigarh, wherein the bail bonds and surety bonds of the petitioner has been cancelled and forfeited and non-bailable warrants of arrest has been issued against the petitioner.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 07.03.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 10.03.2025 passed by learned Judicial Magistrate Ist Class (Duty), Chandigarh, in this regard. He has also deposited cost of Rs.5,000/- in compliance to the order dated 07.03.2025.

3. This aspect is not disputed by learned State counsel.



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4. During the course of hearing on 07.03.2025 following order was passed:

“ 2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been granted concession of bail in case FIR (Annexure P-1), had been regularly appearing in the Trial Court in case as mentioned above, however, on 28.02.2025, on account of miscommunication, as the petitioner had sought exemption on the previous date, the petitioner could not appear in the Court leading to learned Trial Court, cancelling the bail and issuance of nonailable warrants of arrest. He contends that now the matter is pending for 10.03.2025 and undertakes that the petitioner will regularly appear in the Court on each and every date of hearing without fail and face the trial.

4. Notice of motion, returnable for 20.03.2025.

5. On the asking of the Court, Mr. Manish Bansal, P.P. UT. Chandigarh, assisted by ASI Mukesh Kumar, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He submits that the petitioner will be directed to appear on the Court on each and every date of hearing without fail.

6. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate on or before 10.03.2025 and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds. The petitioner is also burdened to pay a cost of Rs. 5,000/- in the District Legal Services Authority, Chandigarh, as a condition precedent for grant of interim bail.



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7. *The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”*

5. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 07.03.2025, passed by this Court, the present petition is allowed. The order dated 28.02.2025 (Annexure P-3) passed by the learned Additional Sessions Judge, Chandigarh, stands quashed and the interim bail granted vide order dated 07.03.2025 is hereby confirmed.

6. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

20.03.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |