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CRM-M-243-2025

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2025 PHHC 012535



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-243-2025

Date of decision: 28.01.2025

GOPAL SINGH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Daljeet Singh, Advocate for
Mr. Yagsimant Attri, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023 has been moved by the petitioner seeking quashing of the order dated 16.07.2024 (Annexure P-5) passed by learned Additional Sessions Judge, Sonapat in case No.CIS No.SC-87/2020 titled as '*State vs. Mahipal etc*', vide which the bail of the petitioner was cancelled and non-bailable warrants of arrest were issued.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 14.01.2025, petitioner appeared before the learned trial Court on 18.01.2025 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 18.01.2025 passed by learned Judicial Magistrate 1st Class, Sonapat. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 16.07.2024 (Annexure P-5) passed



by learned Additional Sessions Judge, Sonapat vide which the bail of the petitioner was cancelled and non-bailable warrants of arrest were issued, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 18.01.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 14.01.2025:-

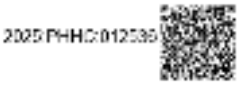
“ By way of present petition filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks quashing of the order dated 16.07.2024 (Annexure P-5) passed by learned Additional Sessions Judge, Sonapat, in case No. CIS No. SC-87/2020, titled as ‘State vs. Mahipal etc’ vide which the bail of the petitioner was cancelled and non-bailable warrants of arrest were issued in case FIR as mentioned below:

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
<i>75</i>	<i>14.02.2019</i>	<i>342,395 397 IPC</i>	<i>Rai, District Sonipat</i>

2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after being arrested in case FIR (supra), was granted concession of bail vide order dated 06.03.2020, CRM-M-9283-2020, ‘Gopal vs. State of Haryana’ (Annexure P-2). He contends that the petitioner had been regularly appearing before the learned Trial Court, however, on 16.07.2024, the petitioner could not appear in the Court on account of being suffering from conjunctivitis. He contends that his counsel had moved an application seeking exemption for that date, however, the application being not supported with any medical, was declined by the learned Trial Court and his bail stood cancelled, directing the petitioner to be served through non bailable warrants of arrest.*

4. *Learned counsel for the petitioner has referred to the certificate dated 14.07.2024 (Annexure P-6) to contend that the petitioner was advised rest being suffering from conjunctivitis which he could not produce before the learned Trial Court. He contends that if granted bail, the petitioner will regularly appear*



in the Court on each and every date of hearing without fail and face the trial.

- 5. *Notice of motion, returnable for 28.01.2025.*
- 6. *On the asking of the Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case.*
- 7. *Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 07 days from today 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. 10,000/- in the District Legal Services Authority, Sonipat, as a condition precedent for grant of interim bail.*
- 8. *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.”*

6. Keeping in view the fact that the petitioner has already appeared on 18.01.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 14.01.2025, passed by this Court, the present petition is allowed and order dated 16.07.2024 (Annexure P-5) passed by learned Additional Sessions Judge, Sonapat, vide which the bail of the petitioner was cancelled and non-bailable warrants of arrest were issued is hereby set aside and the interim bail granted vide order dated 14.01.2025 is hereby confirmed.
7. The petition stands disposed of.

28.01.2025
puneet

(SANJIV BERRY)
JUDGE

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