

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18921 of 2016 (O&M)
DECIDED ON: May 27, 2016

SUPARNA SAPRU AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Jagdish Manchanda, Advocate for the petitioners.

JASPAL SINGH, J (ORAL)

CRM No. 17714 of 2016

Allowed, as prayed for.

Main case

This is a petition under Section 482 of the Code of Criminal Procedure preferred by Suparna Sapru and Peeyush Sapru-petitioners, seeking quashing of orders dated April 11, 2016 (Annexure P-2) and May 16, 2016 (Annexure P-3) passed by the learned Additional Sessions Judge, Faridabad (Haryana) whereby an application filed by the petitioners seeking exemption from their personal appearance has been declined and warrant of arrest has been issued against the petitioners for May 30, 2016.

In view of the nature of the order which is proposed to be passed in the petition, at this stage, this Court does not intend to issue notice of

motion to the respondents as it would rather create hardship as well as pecuniary burden upon the respondents.

Indisputably, the petitioners have been convicted and sentenced in the complaint under Section 138 of the Negotiable Instruments Act and to challenge the conviction of sentence, they have preferred an appeal bearing No. 6 dated January 01, 2015, which is pending in the Court of learned Additional Sessions Judge, Faridabad. The petitioners sought exemption from their personal appearance by moving an application on March 14, 2016 as their mother had taken away by nature and they could not appear on that day. Their personal appearance was accordingly exempted but only for one date i.e. March 14, 2016, on the subsequent dates fixed in appeal, they could not appear. Another application for exemption of their personal appearance was also moved by the present petitioners but the learned Additional Sessions Judge, Faridabad dismissed the application just on the ground that they are habitual in moving such kind of applications. As a result thereof, their bail bonds are cancelled and they are ordered to be summoned non-bailable warrants for May 30, 2016.

Taking into consideration all these aspects of the case but without commenting upon the impugned orders and without expressing any opinion on merits, this Court is of the considered view that it would be just and appropriate that the petitioners be afforded opportunity to continue with the appeal and accordingly they are directed to surrender within a period of 7 days before the learned appellate Court, and they will be released on bail by the appellate Court to its satisfaction.

However, it is made clear that in case of willful and intentional default in future before the lower appellate Court, the appellate Court shall be competent to cancel their bail orders as well.

A copy of the order be sent to concerned Court for its compliance.

(JASPAL SINGH)
JUDGE

May 27, 2016
Divyanshi