

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

**CRM No. M-23341 of 2018
DATE OF DECISION : 28.05.2018**

Parmod Kumar and others

...Petitioners

versus

Kalyan Agro Industries Corporation

...Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Vishal Aggarwal, Advocate,
for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have impugned the order dated 24.11.2017 (Annexure P-1), whereby their bail bonds have been cancelled and non-bailable warrants have been issued against them.

The petitioners are accused in complaint bearing No.5049/2014 dated 01.08.2014 under Section 138 of the Negotiable Instruments Act, 1881. The petitioners had been granted bail by the trial Court. They were to appear in the Court on 23.11.2017 which was declared as holiday and the matter was to be taken up on 24.11.2017, whereon the petitioners did not appear. The trial Court by the order dated 24.11.2017, cancelled their bail bonds and issued non-bailable warrants to secure their presence. The petitioners were later on granted interim anticipatory bail by the Additional Sessions Judge on 26.03.2018, who directed them to appear before the Court

on or before 03.04.2018. However, the petitioners did not appear before the Court on 03.04.2018 and their petition for grant of anticipatory bail was dismissed.

Learned counsel for the petitioners contends that the petitioners had not been intimated by their counsel that the matters which were listed on 23.11.2017, would be taken up on 24.11.2017. He rather informed them that the next date of hearing would be intimated later on, which prevented the petitioners from appearing before the trial Court on 24.11.2017. He also contends that the petitioners could not appear before the Additional Sessions Judge on 03.04.2018 as directed by the interim order dated 26.03.2018, as the said order had not been uploaded till 03.04.2018. The petitioners had duly appeared before the Additional Sessions Judge on 09.04.2018 and the Additional Sessions Judge while declining their application for anticipatory bail on 23.04.2018, had noticed this fact.

Learned counsel for the petitioners undertakes that the petitioners will appear before the trial Court on each and every date of hearing, without absenting themselves from the Court without prior permission of the Court.

It is apparent that the non-appearance of the petitioners before the trial Court was bona fide as they had not been informed by their counsel that the matters which were listed on 23.11.2017, would be taken up on 24.11.2017. They had been granted interim anticipatory bail later on by the Additional Sessions Judge and as the order dated 26.03.2018 directing the petitioners to appear before the

Court on 03.04.2018 had not been uploaded, the petitioners could not appear on that date.

It would, thus, be in the interest of justice, if the petitioners are protected from arrest and granted another opportunity to appear before the trial Court.

Consequently, the petition is allowed and the impugned order dated 24.11.2017 (Annexure P-1) is set-aside. The petitioners shall appear before the trial Court within one week from today and on their doing so, they shall be released on bail subject to their furnishing bonds to the satisfaction of trial Court. The petitioners shall, however, continue to appear before the trial Court on each and every date of hearing and shall not absent themselves from Court, except due to unavoidable circumstances with prior permission of the Court.

(ANUPINDER SINGH GREWAL)
JUDGE

MAY 28, 2018
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether reportable ?</i>	<i>Yes/No</i>