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

**CRM-M-52932-2018
Date of decision-30.11.2018**

Karam Chand

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.P.Bhandari, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Upon oral request of learned counsel for the petitioner, petition is treated under Section 482 of Code of Criminal Procedure as the petitioner is aggrieved against the order dated 23.10.2018 (Annexure P-2) whereby on account of his absence, the trial Court in a complaint case under Section 138 of Negotiable Instruments Act, 1881 proceeded to cancel the bail of the petitioner and forfeited the bail bonds and issued arrest warrant for 04.12.2018.

Learned counsel for the petitioner contends that the petitioner has been regularly appearing before the trial Court, however, on the date when the matter was fixed, the petitioner could not appear because of his illness. The counsel representing the petitioner also failed to appear which resulted into facing of this extreme order of cancellation of bail.

This Court has perused the order dated 23.10.2018 (Annexure P-2) and finds that the Judicial Magistrate First Class, Faridabad has passed

the extreme order construing the absence of the petitioner accusing as deliberate and wilful. On a given date, even accused can be prevented by sufficient reason to cause his appearance before the Court. As explained in the present case that he was sick and the sufficient reason suffered, appears to be justified, therefore, exercising the inherent powers, impugned order dated 23.10.2018 (Annexure P-2) is set aside subject to the petitioner appearing before the Court on 04.12.2018.

The petitioner shall be allowed to remain on the same bail bonds and in case the petitioner fails to appear before the trial Court on the next date i.e.04.12.2018, the order dated 23.10.2018 shall remain intact.

Disposed off.

30.11.2018

vanita

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No