

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

CRM-M No.51255 of 2021 (O&M)

Date of Decision:07.12.2021

(Heard through VC)

Vipin Singhal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Akshit Aggarwal, Advocate
for the petitioner.

-.-

JAISHREE THAKUR, J. (ORAL)

1. This is a petition that has been filed for quashing of the impugned order dated 08.10.2021 passed by the Additional Sessions Judge, Karnal whereby the bail granted to the petitioner has been cancelled and surety bonds forfeited and warrants have been issued to secure presence of the petitioner for 09.12.2021.

2. Learned counsel for the petitioner herein would contend that after the judgment and order of sentence dated 14.02.2020 and 19.02.2020 passed by the JMJC, Karnal, an appeal was preferred before the Additional Sessions Judge, Karnal and the petitioner was admitted to bail on furnishing bail bonds in the sum of ₹2 lakhs with one surety subject to the satisfaction of the Court and was also directed to pay 20% of the compensation awarded by the trial Court by 29.04.2020 in compliance of the provisions of Section 148 of the Negotiable Instruments Act.

3. It is further contended that bail bonds for sum of ₹2 lakhs with one surety was furnished, however, compensation could not be furnished on

account of lockdown, which was nation-wide. It is argued that that matter was listed for first time after the Courts resumed working on 19.08.2021, on which date, his counsel did not put in appearance and consequently, the matter was adjourned to 08.10.2021. It is further argued that the petitioner herein was unwell with fever, as would be evident from the medical certificate issued by Dr. V.B. Roy. He was suffering from viral fever and had been advised bed rest from 06.10.2021 till 11.10.2021. However, in the meantime, the impugned order came to be passed on 08.10.2021.

4. Counsel for the petitioner further submits that his non-appearance before the Appellate Court was wholly unintentional. After 17.03.2020 on account of covid pandemic, Courts were not functional and first time, the matter was listed on 19.08.2021 and the matter stood adjourned for 08.10.2021, on which date, his bail bonds were cancelled. It is also submitted that the petitioner is willing to put in appearance before the trial Court, as his non-appearance was not intentional.

5. Notice of motion.

6. Mr. Kuldeep Tiwari, Addl. A.G., Haryana, who is present in Court, accepts notice for the respondent-State and would submit that there is no infirmity in the impugned order as passed by the Additional Sessions Judge, Karnal.

7. I have heard learned counsel for the parties and have perused the paper book and the zimni orders annexed with the petition. It is an admitted fact that the petitioner herein had been admitted to bail on furnishing bail bonds for a sum of ₹2 lakhs and had been directed to deposit 20% of the compensation as awarded till 29.04.2020, however, there was a

nation-wide lockdown on account of covid pandemic from 23.03.2020, which continued till the end of May, 2020 and therefore, this Court can also take judicial notice of the fact that the Courts were not fully functional and limited matters were being taken up for hearing. There was a directive from the High Court itself, which permitted limited functioning of the Courts. *Prima facie*, it does not appear that the petitioner had deliberately evaded his appearance before the Court and therefore, the impugned order dated 08.10.2021 is hereby set aside. The petitioner herein is directed to put in appearance before the lower Appellate Court on 09.12.2021 and furnish fresh bail bonds as per the satisfaction of the Appellate Court. The petitioner herein is also directed to deposit 20% of the compensation in terms of the order dated 17.03.2020 within a period of two months thereafter. In case, the petitioner does not put in appearance on 09.12.2021, any interim protection granted to him shall be deemed to be vacated.

8. With these observations, the instant petition stands disposed of.

December 07, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No