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

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Decided on: 5.04.2022

Sarojani

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Surinder Gandhi, Advocate for the appellant.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

1. Challenging the order of forfeiture of surety bonds, and issuance of non-bailable warrants due to the default in an appearance before the Sessions Court, the convict/appellant has come up before this court under section 449 of the Code of Criminal Procedure, 1973 by way of the instant appeal.

2. The background leading to the cancellation of bail and issuance of non-bailable warrants is that the appellant herein had filed an appeal against her conviction under section 138 of the Negotiable Instruments Act, 1881. Due to non-appearance, vide the impugned order dated 21-03-2022, the Ld. Addnl. Sessions Judge cancelled the bail bonds and the surety bonds and forfeited the same to the State and also issued non-bailable warrants of arrest.

3. The appellant explains the reasons for non-appearance in paragraph 6 of the appeal and has substantiated the same through documentary evidence.

4. Although the appellant appears to be lacking serious intent, it cannot be tantamount to complete disregard considering the explanation offered. Furthermore, the disruptive effect of the COVID-19 pandemic on the country's varied systems also should not be ignored. Given this background and the facts and circumstances peculiar to this case, I am satisfied by the explanation offered. The appeal is allowed to the extent mentioned in this order and subject to the compliance of the following conditions.

5. **There shall be a stay of the appellant's arrest in the case mentioned above till the next date fixed in the case, which is 25 April 2022; however, if the appellant fails**

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to appear within this time of 10 days, then stay on arrest shall stand vacated without any further reference to this court. It is clarified that if the appellant appears before the concerned court, then the impugned order dated 21-03-2022, passed by the concerned court against the appellant in the matter mentioned above shall stand quashed, warrants canceled, and bonds restored. However, in case the Id. trial court so desires, it may ask the appellant to furnish fresh bail bonds, and in such an eventuality, the appellant shall execute a bond for attendance in the concerned court to its satisfaction.

6. **On or before 25 April 2022**, the appellant shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the concerned Police station. The appellant shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the appellant shall immediately do so. The appellant shall neither clear the location history, WhatsApp chats, calls nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whatever is earlier.

7. **On or before 25 April 2022**, the appellant shall deposit a sum of rupees ten thousand in 'High Court Lawyers Welfare Fund,' Account number 65018692589, SB, IFCL code SBIN0050306, Branch Code 50306, Branch Address State Bank of India, High Court Branch, Sector 1, Chandigarh. After depositing, the appellant shall file the proof of deposit, before the concerned court and send its copy alongwith a copy of this order to the Secretary, Punjab & Haryana High Court Bar Association, either in physical or electronic mode.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

9. *There would be no need for a certified copy of this order, and any Advocate for the Appellant can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Appeal is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

05.04.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.