

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

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**CRM-M-27728-2022
Date of decision: 06.07.2022**

MAHIPAL

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. R.P. Daaria, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 07.12.2021 (Annexure P-5) passed by Sessions Judge, Amabala in Criminal Appeal No. 01 of 2020 titled as “*Mahipal versus Amit Kumar and another*” (Annexure P-3) pending for 29.08.2022 before the Sessions Judge, Amabala in Criminal Complaint bearing NACT No. 188/04.11.2015 titled as “*Amit Kumar versus Mahi Pal*” decided vide order dated 04.12.2019 passed by learned Judicial Magistrate First Classs, Naraingarh (Annexure P-2).

Learned Counsel appearing on behalf of the petitioner submits before the Court that during the pendency of the present petition, pursuant to the non-bailable warrants issued, the petitioner was taken in custody and has since then been released on regular bail upon the petitioner submitting fresh bail bonds. He further contends that the petitioner is ready and willing to comply with the mandate of Section

357 (3) of Negotiable Instruments Act, 1881 and shall deposit 20% of the amount so directed to be deposited within a period of 15 days from today. The sole surviving grievance which now sustains is regarding the forfeiture of the bail bonds/surety bonds furnished earlier by the petitioner.

Taking into consideration, the readiness and willingness of the petitioner to furnish the amount of 20% as directed by the trial Court and also the fact that the petitioner had eventually been granted regular bail again after his arrest on furnishing surety bond, an appropriate application may be submitted by the petitioner before the lower Appellate Court. The same shall be considered and an order shall be passed thereupon by the Court.

In view of the above, no further directions are required and the counsel for the petitioner submits that he will be satisfied in case the trial Court is directed to consider the question of forfeiture of surety bonds/bail bonds furnished earlier.

Dismissed as withdrawn.

In the event of the application if any, be furnished by the petitioner before the Lower Appellate Court, the same shall be decided in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

JULY 06, 2022

Vishal sharma

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