

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242

CRM-M-46406-2022
Date of decision:21.11.2022

Ankush Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Lokesh Vohra, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana,
for the State-respondent No.1.

NAMIT KUMAR, J. (ORAL)

As per office report service is complete, however, none has
put in appearance on behalf of respondent No.2.

Petitioner has filed this petition under Section 482 Code of
Criminal Procedure for quashing of impugned order dated 11.07.2022
(Annexure P-4) passed by the Ld. Additional Sessions Judge, Jagadhri,
whereby, while cancelling his bail, the bail bonds was also ordered to be
forfeited and warrants of arrest have been issued on account of his
absence on 11.07.2022. Notice to his surety was also issued for
09.12.2022. The impugned order passed in CRA No.26 of 2022 arises
from trial proceedings of complaint No.67 of 2018, Computer ID
No.NIA/67/2018, titled as *Jagpal Singh Vs. Ankush Kumar*, under

Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner contends that the petitioner was already on bail and thereafter, he kept on appearing before the trial Court regularly, however, on 11.07.2022, the petitioner was absent as he was not well and the Court proceeded to cancel his bail and issued the non-bailable warrants for 09.12.2022. He further submits that the case is now fixed before the trial Court for 09.12.2022 and the petitioner is ready and willing to join the trial proceedings and undertakes to be present in Court on each and every date.

Mr. Vikrant Pamboo, DAG, Haryana, submits that the impugned order has been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail and had been appearing before the trial Court.

A perusal of the order dated 11.07.2022 (Annexure P-4) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non appearance before the trial Court is justified and therefore, the same is accepted.

Considering the above sequence of events, the impugned order 11.07.2022 (Annexure P-4) is set aside subject to appearance of the petitioner before the Court of learned Additional Sessions Judge, Jagadhri on or before 09.12.2022 the date fixed before the said Court. On his

appearance, he shall be released on bail by the said Court and he is allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the order dated 11.07.2022 would remain intact.

The petition is disposed of in above terms.

21.11.2022
Parveen Kumar

(NAMIT KUMAR)
JUDGE

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