

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-53587 of 2022

Date of Decision: 18.11.2022

Davinder Singh

---Petitioner

versus

Neelkanth Finance & Investment and another

---Respondents

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. C.S.Rana, Advocate
for the petitioner

JAGMOHAN BANSAL,J. (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 30.5.2022 (AnnexureP-5) passed by Sessions Judge, Jalandhar whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in Criminal Appeal No. 159 dated 9.3.2020 titled as “Davinder Singh vs. Neelkanth Finance & Investment and another”.

Learned counsel for the petitioner contends that petitioner at the time of entertaining appeal was admitted to bail by learned Additional Sessions Judge, Jalandhar. Appeal of the petitioner is still pending before ASJ, Jalandhar and matter on one occasion was taken up in Pre-Lok Adalat. The petitioner was under wrong impression that he is not required to appear on each date before Appellate Court. The counsel of the petitioner was present on 30.5.2022 still bail order was cancelled and petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel submits that the petitioner is ready to appear before appellate court on each and every date.

I have heard counsel for the petitioner and perused the record.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view the fact that petitioner was admitted to bail at the time of entertaining appeal, matter is pending before appellate court since 2020, the petitioner is ready to appear on each date, no prejudice is going to be caused to opposite party, I deem it appropriate to allow the present petition and to extend concession of bail to the petitioner, subject to furnishing of fresh bail bonds to the satisfaction of learned Trial Court. The petitioner is directed to appear before learned Trial Court on 29.11.2022 and furnish fresh bail bonds. The petitioner, as agreed, shall pay costs of Rs. 25,000/- to be paid to respondent No. 2.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

18.11.2022
paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No