

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59630-2022

Date of Decision:20.12.2022

SUNIL KUMAR SINGLA

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Rajbir Singh, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 28.02.2022 (Annexure P-7) and 22.11.2022 (Annexure P-8) passed by SDJM, Samana, whereby bail bonds furnished by the petitioner have been cancelled and the petitioner has been declared proclaimed person in complaint No. NIA/749/2017 dated 18.12.2017 under Section 138 of Negotiable Instruments Act, 1881.

Learned counsel for the petitioner *inter alia* contends that petitioner appeared before Trial Court on 03.12.2019 and was released on bail. Notice of accusation was issued on 18.01.2020. The petitioner continuously appeared before the Trial Court, however, on account of illness of his brother could not appear on 24.12.2021 who ultimately passed away on 30.12.2021. The petitioner is not involved in any other FIR. The lapse was unintentional and petitioner is ready to pay costs of Rs.10,000/-.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the State. He does not dispute the above stated factual position. He has no objection, if petition is disposed of subject to costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus ,his presence would meet ends of justice;
- ii) The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. Rs.10,000/-.
- iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iv) The petitioner is resident of Samana, District Patiala and trial is pending at Samana, thus jurisdictional court and police authorities have direct access over the activities of

the petitioner.

- v) The petitioner was initially granted regular bail by learned Trial Court, Samana and thereafter petitioner appeared on many dates;
- vi) Trial is pending since 2017 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
- vii) The petitioner is accused of commission of bailable and compoundable offence.

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear before learned Trial Court on or before 31.12.2023 and on his doing so, the Trial Court shall admit him to bail on furnishing fresh bail bonds alongwith costs of Rs. 10,000/- to be paid to respondent No.2.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

20.12.2022
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No