

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59669-2022

Date of Decision:20.12.2022

SURINDER KOHLI

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Saransh Sabharwal, Advocate for
Mr. Sajal Bansal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 11.11.2022 (Annexure P-4) passed by JMIC, Gurugram whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in case No.NACT/23928/2013 dated 16.04.2012 under Section 138 of Negotiable Instruments Act, 1881.

Learned counsel for the petitioner *inter alia* contends that petitioner was regularly appearing in the aforesaid case. Due to wrong noting of date by counsel, the petitioner failed to appear before Trial Court on 11.11.2022 and learned Trial Court cancelled bail of the petitioner and issued non-bailable warrants of arrest. The petitioner since 2013 was regularly appearing before the Trial Court. 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. Karan Sharma, DAG, Haryana 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. 10,000/-.
- iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iv) The petitioner was initially granted regular bail by learned Trial Court, Gurugram and thereafter petitioner appeared on

many dates;

- v) Trial is pending since 2012 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant
- vi) 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 10.01.2023 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 the respondent No.2.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

20.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>