

122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1353-2023

DATE OF DECISION:-12.01.2023

Sahil Arora

...Petitioner.

V.

State of UT, Chandigarh and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gursimran Singh, Advocate with
Mr. Abhishek Batta, Advocate for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, with
Mr. Anupam Bansal, Advocate,
for respondent U.T., Chandigarh.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C., prayer has been made for setting aside an order dated 04.07.2022 passed by the court of learned Chief Judicial Magistrate, Chandigarh, whereby an application seeking personal exemption from appearance, filed at the instance of petitioner, was dismissed, resulting into cancellation of his bail bonds, besides, forfeiture of surety bonds followed by issuance of non-bailable warrants against him.

The facts leading to the present case are that a complaint under Section 96 read with Section 99 of the Companies Act, 2013, came to be filed against the petitioner, at the instance of respondent No.2, wherein, he was ordered to be summoned by the trial Court. In pursuance thereof, the petitioner appeared before the court of learned Chief Judicial Magistrate, Chandigarh and was granted the concession of regular bail vide order dated

08.03.2022. It is the case of the petitioner that since then he has been regularly appearing before the trial Court but for 04.07.2022, on which date, an application was filed at his instance for grant of personal exemption on account of personal reasons, which came to be dismissed by the learned trial Court, resulting into cancellation of his bail bonds, besides, forfeiture of surety bonds, followed by issuance of non-bailable warrants against him.

Faced with the order dated 04.07.2022, the petitioner even approached the court of learned Additional Sessions Judge, Chandigarh, invoking Section 438 Cr.P.C. for grant of anticipatory bail, however, the same was declined vide order dated 06.08.2022. For the reasons best known to the petitioner, he again approached the court of learned Additional Sessions Judge, Chandigarh with the similar prayer, which again met with the same fate and was declined vide order dated 01.12.2022.

By way of present petition, impugning the order dated 04.07.2022, learned counsel for the petitioner submits that non-appearance of the petitioner on the date fixed before the trial court was wholly unintentional and on account of bonafide reasons. Learned counsel further submits that the petitioner is a law abiding citizen and has all respects for the law and the courts and can never dare to challenge its Majesty.

Learned counsel for the petitioner also submits that the petitioner, if, given a chance, shall continue to appear before the court below in the proceedings pending against him, unless granted exemption specifically and categorically.

On the other hand, Mr. Punchhi assisted by Mr. Bansal opposes the prayer made in the present petition and submits that the only idea and intent of the petitioner was to delay the disposal of the complaint filed

against him.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

A perusal of paper book shows that after having been summoned in the complaint filed against the petitioner, he has been regularly appearing before the trial court.

Though, I am unable to find any illegality or infirmity in the discretion exercised by the trial court while passing the impugned order dated 04.07.2022, however, considering the facts and circumstances of the present case, it may be appropriate, in case, the petitioner surrenders before the trial court on or before the date fixed and moves an application for grant of regular bail to be decided on the same day. It shall be appreciated, if the trial Court accepts the fresh bail bonds and surety bonds submitted by the petitioner as the whole idea would be to secure the presence of the petitioner so that the proceedings against him in the complaint may continue.

In view of the above, the present petition is disposed of, subject to deposit of a sum of Rs.20,000/- by the petitioner within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

12.01.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No