

CRM-M-2463-2023

Date of Decision: 17.01.2023

JASVIR SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shubham Goyal, Advocate, for the petitioner.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the order dated 25.08.2022 vide which the proclamation has been issued against him.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the complaint under Section 138 of Negotiable Instruments Act titled as "Capital Small Finance Bank Ltd vs. Jasvir Singh". At the earlier instance, the petitioner had appeared in the trial Court and was granted bail in terms of the order dated 08.09.2020. The petitioner had absented from proceedings as he was under misconception that on the resumption of the normal functioning of the Courts after Covid-19 Pandemic, fresh notice will be issued to him. Consequently, the petitioner had absented from the proceedings on 17.12.2021 and his bail and surety bonds were forfeited to the State. The petitioner was ordered to be summoned throughailable warrants. Subsequently, proclamation was effected and now the case in the trial Court is fixed for 21.01.2023 for appearance of the petitioner. It has been further submitted that only the bail bonds and surety bonds of the petitioner were cancelled and his bail was never cancelled. The petitioner is having an apprehension that he may be arrested on his surrender and learned counsel for the petitioner has restricted his prayer only to the extent that the petitioner shall surrender before the trial Court on or before 21.01.2023 and may be permitted to furnish fresh bail bonds in terms of the order dated 08.09.2020.

Keeping in view the fact that the bail order has not been cancelled, the petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court on or before 21.01.2023 and on his doing so, he shall be admitted on bail in terms of the order dated 08.09.2020 passed by the Court of learned JMIC. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and his surety.

17.01.2023

smriti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No