

**115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2498-2023

Date of Decision: January 18, 2023

PRADEEP KUMAR VERMA AND ANOTHER

..... Petitioners

Versus

STATE OF U.T. CHANDIGARH AND ANOTHER

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vaibhav Jain, Advocate for
the petitioners.

Ms. Yashwant Singh Rathore,
Addl. P.P. for U.T.Chandigarh with
Ms. Sudha Singh, Advocate and
Mr. Yuvraj Singh Rathore, Advocate.

HARKESH MANUJA, J. (ORAL)

By way of the present petition invoking Section 482 Cr.P.C., challenge has been made to the orders dated 15.10.2022 and 30.11.2022 passed by the trial Court whereby the bail bonds of the petitioners were cancelled and the surety bonds forfeited followed by non-bailable warrants issued against him.

The facts of the case are that on account of dishonor of cheque amounting to Rs.4,23,000/-, a complaint under Section 138 of Negotiable Instruments Act 1881, came to be filed at the instance of the complainant-respondent No.2 wherein after issuance of summoning order against petitioner, he was granted concession of regular bail vide order dated 01.08.2022 passed by trial Court.

On the very next date of hearing i.e. on 15.10.2022, the petitioner being suffering from dengue could not appear before the trial Court, resulting into cancellation of his bail bonds, forfeiture of his surety bonds followed by issuance of non-bailable warrant against him.

Though, the petitioner attempted to approach this Court by way of CRM-M-55583-2022, impugning the order dated 15.10.2022, however, vide order dated 01.12.2022 the same was permitted to be withdrawn with liberty to approach this Court again with better particulars as in the meanwhile, a proclamation against him under Section 82 of Cr.P.C. was also ordered to be published vide order dated 30.11.2022 passed by the trial Court.

It is in the aforesaid circumstances, the present petition has been filed challenging the order dated 15.10.2022 as well as 30.11.2022 passed by the trial Court.

Learned counsel for the petitioner submits that the non-appearance of petitioner No.1 on 15.10.2022 was only because of his ill-health and he being a law-abiding citizen never intended to avoid the process of law. Learned counsel for the petitioners also submits that the petitioner No.1 undertakes to appear before the trial Court on each and every date except for being granted exemption specifically.

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 petitioners. A perusal of the record shows that the non-appearance of petitioner No.1 on the date fixed i.e. 15.10.2022 was on account of reasons beyond his control, he being suffering from dengue. Even besides it, the present is not a case where the petitioner No.1 was

avoiding the process of law as the petitioner immediately approached this Court in the last week of November 2022, challenging the orders dated 15.10.2022 passed against him but somehow, on account of the fact that by the time the proclamation had already been ordered against him he had to withdraw the previous petition.

In view of the aforesaid circumstances finding that the non-appearance of the petitioner No.1 on account of his ill-health and not on account of any mala fide reasons, he is directed to appear before the trial Court on the date fixed and submit fresh bail bonds/surety bonds to the satisfaction of the trial Court. The aforesaid order shall however be subject to payment of Rs.10,000/- as cost in the following bank account:-

Account name: Punjab and Haryana high court
Association Lawyer’s Welfare Fund
Account No: 41564846387
Bank Name: S.B.I. High Court Branch.

Disposed of.

18.01.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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