

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

CRM-M-12564-2023

Date of Decision: March 14, 2023

PARITAM SINGH @ PREETAM SINGH HUDA

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Jaiswal, Advocate for the petitioner.
Mr. Sumit Jain, Addl. A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, challenge has been made to order dated 31.10.2022 passed by JMJC Ambala, whereby the bail bonds of the petitioner has been cancelled, surety bonds forfeited followed by issuance of warrants of arrest against him.

Having been implicated in FIR No.161 dated 11.06.2022 u/s Section 174-A of IPC registered at P.S. Saha, District Ambala. The petitioner was granted the concession of bail and was appearing before the Court concerned but for 31.10.2022 when he could not appear on account of some bona fide miscommunication with his lawyer regarding the date of hearing thereby, resulting into cancellation of his bail bonds/forfeiture of surety bonds and issuance of warrants of arrest against him.

Learned counsel for the petitioner submits that the petitioner is a permanent resident of Ajmer (Rajasthan) and on account of some communication gap with his counsel, he could not appear before the trial Court on the date fixed which was neither intentional nor willful. Learned counsel further submits that the petitioner shall continue to appear before the Court concerned on each and every date unless granted exemption specifically, in case he is given a chance in this regard.

On the other hand, learned State counsel submits that the non-appearance of the petitioner before Court concerned appears to be an intentional act just to delay the proceedings pending against Court.

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

In the facts and circumstances of the present case, there does not appear to be any reason to disbelieve the plea raised by the petitioner of there being miscommunication between the petitioner who is permanent resident of Ajmer (Rajasthan) with his counsel at Ambala. A perusal of the record further shows that petitioner has been regularly appearing before the Court concerned in the proceedings carried out in pursuance to Section 138 of Negotiable Instruments Act besides even in the proceedings pertaining to FIR under Section 174-A, except for 31.10.2022 when the impugned order was passed.

In view of the discussion made herein above, the impugned order dated 31.10.2022 passed by Court of JMJC Ambala is hereby set

aside with a direction to the petitioner to appear before the Court concerned within a period of ten days from today and furnish his fresh bail bonds/surety bonds to its satisfaction. Besides it, the petitioner shall also submit an undertaking before Court so as to continue to appear before it on each and every date except being granted exemption specifically.

The aforesaid order shall however be subject to payment of cost of Rs.5,000/- to be deposited within seven days from today with Punjab and Haryana High Court Employees Welfare Association Fund, State Bank of India, High Court Branch, Chandigarh, Account No.37167209613.

14.03.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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