

2023:PHHC:042644

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

CRM-M-14562-2023
Date of decision: 22.03.2023

PARVEEN SHARMA

...PETITIONER

VERSUS

M/S EARTH PLASTER PVT. LTD. AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sanjeev Majra, Advocate for the petitioner.

VIVEK PURI,J. (ORAL)

The petitioner has assailed the order dated 18.11.2022 passed by the Court of learned Additional Sessions Judge, Gurugram vide which his bail has been cancelled, bail bonds have been forfeited to the State, non-bailable warrants of the petitioner and notice to the surety have been issued.

Learned counsel for the petitioner contends that the petitioner was convicted under Section 138 of Negotiable Instruments Act and sentenced to undergo imprisonment for a period of 01 year by the trial Court. The petitioner had preferred an appeal and in terms of order dated 28.09.2022, the Court of learned Additional Sessions Judge, Gurugram, suspended the sentence of the petitioner. It has been submitted that the petitioner failed to put appearance in the learned appellate Court on 18.11.2022 due to miscommunication of the date of hearing. It has been further submitted that this is the first default on the part of the petitioner and the next date of hearing in the learned appellate Court is stated to be 12.05.2023. It has been further submitted that the petitioner shall appear in the learned appellate Court within a period of two weeks and meanwhile, he may be protected.

Accordingly, the present petition is disposed of with a direction that the petitioner shall surrender before the learned appellate Court within a period of two weeks and shall move an application for bail/suspension of sentence. The said application may be disposed of by the learned appellate Court in accordance with law. In the event, the petitioner surrenders before the learned appellate Court within a period of two weeks, his arrest may not be effected till the disposal of the application for bail/suspension of sentence and for a period of two weeks, thereafter, in the event, the application is dismissed. 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.

The petition is being disposed of without issuance of notice to the respondents to avoid further unnecessary delay in the disposal of the matter in the learned appellate Court.

22.03.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No