

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118

CRM-M 16526-2023

Date of Decision: 12.04.2023

Gagandeep

.....*Petitioner*

Versus

Amarjeet

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Manoj Pundhir, Advocate for the petitioner.

GURBIR SINGH, J (ORAL)

The prayer is for quashing of impugned order dated 14.03.2023 passed by the court of Ld. Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby the bail/suspension of sentence granted to the petitioner vide order dated 14.12.2022 (Annexure P3) was cancelled and his bail bonds were ordered to be forfeited.

Learned counsel for the petitioner contends that vide order dated 14.12.2022 (Annexure P-3) the petitioner was ordered to deposit 20% amount of the compensation awarded by the learned trial Court and case was adjourned to 13.02.2023. On said date, due to personal difficulty, the petitioner could not appear and his personal appearance was exempted on an application having been filed in this regard. The matter was further adjourned to 14.03.2023. Learned counsel for the petitioner states that the counsel representing the petitioner before the trial Court noted a wrong date as 24.03.2023 instead of 14.03.2023. On 24.03.2023, when the petitioner went to the trial Court along with the 20% amount of compensation as ordered, only then he came to know that his bail order was cancelled and bail bonds/surety bonds were forfeited and his non-bailable warrant was issued.

Vide order dated 05.04.2023, an undertaking was given by the petitioner to pay 20% of the compensation amount in terms of order dated 14.12.2022 (Annexure P-3) and in order to show his *bona fide*, he went to the Bank for getting prepared a Demand Draft in this regard but the Bank was closed due to holidays from 07.04.2023 to 09.04.2023. Now, the petitioner has got prepared a Demand Draft bearing No.096046 dated 11.04.2023 amounting to Rs.1 lakh in favour of complainant and is ready to deposit the same. He submits that although draft was prepared but it has been inadvertently prepared in the name of complainant. He is ready get it prepared again and deposit the same in the Court.

Let draft of Rs. 1 Lakh be deposited in the concerned learned trial Court as per order dated 14.12.2022 within a period of 7 days. In the event of petitioner depositing the said draft, a receipt of the same be placed before the learned Appellate Court within three days in which period he shall surrender before the learned Appellate Court. On his doing so, the petitioner shall be admitted to bail on furnishing bail bonds/sure bonds to the satisfaction of the learned Appellate Court subject to payment of Rs.5,000/- as costs to the complainant. In case, petitioner fails to obey this order, then this order shall stand automatically vacated.

However, in case complainant is aggrieved by this order, then he may move an application within a period of one month for reopening the petition.

Disposed of.

12.04.2023

jyoti3

(GURBIR SINGH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No