

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

CRM-M-20999-2023

Date of Decision: 27.04.2023

Raj Kumar

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms.Lipika Mamli, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the impugned order dated 13.03.2023, passed by the learned Additional Sessions Judge, Fatehabad in Criminal Complaint under Section 138 of Negotiable Instruments Act i.e. CrI. Complaint No.408-II of 2015 dated 08.09.2015, whereby the bail bonds of the petitioner have been cancelled.

It has been contended by learned counsel for the petitioner that the case was taken up for the first time on 04.02.2023 and was adjourned to 24.04.2023 and thereafter, an application was moved by the complainant for early hearing of the case and the case was pre-poned to 13.03.2023. She submits that on 13.03.2023 the petitioner could not appear before the Court, he was not aware of the date of hearing, which was pre-poned from 24.04.2023 to 13.03.2023. She submits that absence of the petitioner from the Court on the date of hearing was totally unintentional. He submits that the petitioner is ready to appear before the trial Court and join the proceedings.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has

rightly cancelled the bail of the petitioner as he failed to appear before it on the date fixed.

Heard.

After hearing learned counsel for the parties and perusing the record, it is clear that version of the petitioner is that as the case was pre-poned from 24.04.2023 to 13.03.2023, so he could not appear before the Court on 13.03.2023 being unaware about it. However, keeping in view the facts and circumstances of the case and the fact that the petitioner is ready to join the proceedings and to face the trial, the order dated 13.03.2023 is set aside subject to payment of Rs.25,000/- as costs to be paid to the complainant by the petitioner within 10 days from today.

The petitioner is directed to appear before the trial Court within 10 days from today and file appropriate application for bail and the trial Court would admit him to bail on his furnishing fresh bail/surety bonds to its satisfaction. It is made clear that the bail/surety bonds shall be accepted alongwith the costs of Rs.25,000/- to be deposited by the petitioner on the same day and the said costs shall be paid to the complainant on his appearance.

The petitioner will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 13.03.2023 will come in force.

27.04.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No