

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19794-2023 (O&M)

Date of decision: 27.04.2023

PALVINDER SINGH

...Petitioner

V/s

STATE OF HARYANA AND ANOTHER

...Respondent

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG Haryana.

DEEPAK MANCHANDA J.

CRM-18569-2023

This is an application under Section 482 of Cr.P.C. seeking placing on record copies of the orders passed by the Appellate Court as Annexure P-3.

For the reasons mentioned in the application, same is allowed.

Annexure P-3 is taken on record.

Application stands disposed of.

CRM-M-19794-2023

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for setting aside the order dated 03.09.2022 passed by the Additional Sessions Judge, Karnal in CRA-60-2019 titled as ***Palvinder Singh Vs. Krishan Kumar*** arising out of complaint case No. NI/394/2017 D.O.I. 20.02.2017.

Learned counsel for the petitioner contends that petitioner was convicted and sentenced vide order dated 11.12.2018 passed by the trial Court to undergo SI for 10 months besides paying compensation equivalent to cheque amount. Learned counsel further contends that petitioner challenged the

abovesaid conviction by preferring an appeal before the lower Appellate Court and had been regularly appearing. However, on 03.09.2022, he failed to appear before the trial Court whereupon Appellate Court cancelled his bail and issued non bailable warrants against him vide the impugned order. Learned counsel submits that the impugned order is arbitrary as the Appellate Court straightaway issued non-bailable warrants against the petitioner without firstly taking the recourse to the other alternative methods because the offence alleged to have been committed by the petitioner is bailable in nature and the impugned order could not have been passed. Learned counsel further submits that purpose of issuance of NBWs is just to secure the presence of the accused/petitioner and the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Bhupender Singh, DAG Haryana, who is present in the Court accepts notice on the asking of the Court and submits that the impugned order has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was appearing before the Appellate Court regularly.

A perusal of the order dated 03.09.2022 (Annexure P-2) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary reason of absence of the petitioner.

Once the accused is willing to appear and join trial proceedings, the objective of issuing Non-bailable warrants has been achieved.

In view of the same, the order dated 03.09.2022 (Annexure P-2) is set aside. The petitioner is directed to appear before the trial Court within a

period of 10 days from today and is allowed to remain on the same bail bonds and surety bonds.

In case, the petitioner does not appear before the trial Court as directed, the order dated 03.09.2022 (Annexure P-2), passed by the trial Court, shall remain intact.

Petition disposed of.

27.04.2022

Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No