

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

118

CRM-M-26531-2023 (O&M)

Date of Decision: 06.06.2023

M/S WEWA SHIELDS SYSTEMS PRIVATE LIMITED AND OTHERS

..... PETITIONERS

V/S

M/S XEAM VENTURES PRIVATE LIMITED AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Dinesh Kumar, Advocate
for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

CRM-26048-2023

Prayer in this application is for placing on record the medical of applicants No.2 and 3 as Annexures P/19 and P/20.

Allowed as prayed for and the medical of applicants No.2 and 3 as Annexures P/19 and P/20 are taken on record subject to all just exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-26531-2023

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioners No.2 and 3 are seeking quashing of order dated 24.04.2023 (Annexure P-16) passed by JMIC, SAS Nagar, whereby bail

bonds furnished by the petitioners have been cancelled and surety bonds are forfeited to the State.

Learned counsel for the petitioners *inter alia* contends that petitioners No.2 and 3 appeared before trial Court on 22.03.2023 and furnished their bail bonds. On 24.03.2023, petitioner No.2 was absent, however, petitioner No.3 was present. On 24.03.2023, the matter was adjourned to 24.04.2023 and on the said date on account of medical issues, the petitioners could not appear before the trial Court and moved an application seeking exemption which came to be rejected. The petitioners are not involved in any other case. They further undertake to appear on each and every date except specifically exempted. The petitioners are ready to pay costs of Rs.35,000/-for wasting valuable time of Court and prosecution.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioners have come forward to face trial and undertake to appear before trial court on each and every date, thus, their presence would meet ends of justice;

- ii) The Petitioners are ready to furnish fresh bond/surety to the satisfaction of the trial court;
- iii) The petitioners for wasting valuable time and energy of Court as well as complainant are willing to pay costs of Rs.35,000/- ;
- iv) The petitioners are not involved in any other case;
- v) The petitioners were earlier on bail and are ready to face trial, thus, no prejudice is going to cause to complainant;
- vi) Trial is pending since 2020 and it is in the interest of justice that trial is concluded at the earliest;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioners are directed to appear on or before Trial Court on 04.07.2023 and furnish fresh bail bond/surety bond. The petitioners, as agreed shall pay costs of Rs.35,000/- to the respondents/complainant.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.06.2023
anju

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