

CRM-M-35253-2021
Date of decision: 17.04.2023

...PETITIONER

...RESPONDENTS

CRM-M-35255-2021

...PETITIONER

...RESPONDENTS

CRM-M-35355-2021

...PETITIONER

...RESPONDENTS

Petitioner has been arraigned as an accused in the complaint under Section 138 of Negotiable Instruments Act against him by respondent No.2. The petitioner has assailed the order dated 05.04.2021 (Annexure P-10) passed by the Court of learned Sub Divisional Judicial Magistrate, Sardulgarh vide which his bail order has been cancelled, bail bonds and surety bonds have been forfeited to the State, warrants of arrest of the petitioner and notice to the surety under Section 446 Cr.P.C have been issued. Besides, order dated 08.07.2021 (Annexure P-11) has also been assailed vide which the proclamation has been issued for procuring the presence of the petitioner.

The reason assigned in non-appearance is health issue of the petitioner. It has been submitted that the counsel for the petitioner in the learned trial Court could not be informed with regard to the ailment being suffered by the petitioner and consequently, application for exemption from personal appearance could not be moved. The warrants of arrest of the petitioner were never issued at the earlier instance. The next date of hearing in the trial Court is 26.04.2023. The petitioner undertakes to surrender before the trial Court on or before 26.04.2023 and the learned counsel for the petitioner restricts his prayer only to the extent meanwhile, the petitioner may be protected.

Learned counsel for respondent No.2 contends that appropriate directions may be issued to ensure the presence of the petitioner in the trial Court.

The petition is disposed of with a direction that the petitioner shall surrender before the trial Court on or before 26.04.2023 and shall move an application for regular bail. The petitioner is also directed to deposit a sum of Rs.5000/- as costs with District Legal Services Authority, Mansa in each case. In the event, the petitioner surrenders on or before 26.04.2023, moves an application for regular bail along with the receipt with regard to the deposit of the amount, the arrest of the petitioner be not effected till the disposal of the bail application and also for a period of two weeks thereafter in the event, the bail application is dismissed. Besides, in such circumstances, the impugned orders will not be given effect. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C that may be initiated against the petitioner by the learned trial Court.

17.04.2023
renubala

(VIVEK PURI)
JUDGE

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