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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36169-2023 (O&M)

Date of decision: July 27, 2023

Hardial Singh Ghai

....Petitioner

versus

U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate for petitioner.

Mr. Tarun Vir Singh Lehal, Additional P.P. U.T., Chandigarh.

ARUN MONGA, J. (ORAL)

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for quashing impugned order dated 20.03.2023 (Annexure P-3) whereby bail has been cancelled and bail/ surety bonds of petitioner were forfeited to the State.

2. Succinct facts first, as pleaded in the instant petition.

2.1. Complaint dated 27.12.2016 (Annexure P-1) was filed against the petitioner under Section 137 of the Companies Act, 2013 read with Rule 12 of the Companies Rules, 2014, alleging that petitioner did not file statement of the financial year as on 31.03.2015 online with the office of complainant.

3. Learned counsel for the petitioner contends that petitioner was admitted on bail by learned Court below vide order dated 22.04.2019 (Annexure P-2), after duly considering that the alleged offence is bailable. He submits that due to his illness, petitioner could not appear before Court below on the date fixed. Petitioner has also appended his medical certificate dated 18.07.2023 (Annexure P-4) with the petition. Further submits that petitioner is a septuagenarian. However, ignoring both his age and illness, vide order dated 20.03.2023 (Annexure P-3), bail of petitioner was cancelled and bail/ surety bonds were forfeited to the State.

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4. On advance service of petition, learned counsel for respondent-U.T., Chandigarh appears and opposes the petition.
5. I have heard learned counsel for the parties and perused the record.
6. Concededly, petitioner was earlier granted bail by the learned Court below vide order dated 22.04.2019. Thereafter, on 20.03.2023, petitioner could not appear before the Court below as he was stated to be suffering from fever, and learned Court below cancelled his bail order and bail/ surety bonds were forfeited to the State. Petitioner is stated to be a 80-year old person and his absence on the date fixed before Court below was unintentional but beyond his control due to his illness on the particular date. Given his age, petitioner may otherwise be having certain age related ailments.
7. Moreover, cancellation of bail is a serious matter and can have significant impact on the life of a person. Matters of personal liberty ought not to be taken so lightly and in such mechanical manner as in the case herein.
8. In the premise, impugned order is set aside. Earlier bail order stands revived on bail bond and surety bond already furnished by petitioner before learned Court below. Petitioner is directed to join proceedings before learned Court below within three weeks from today and shall continue to appear before learned trial Court without default.
9. Petition is accordingly allowed.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 27, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No