

CRM-M-56253-2023
Date of decision: 08.11.2023

M/s DKS Incorporate	Petitioner
Versus	
Suresh Trading Co.	...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhishek Sindhu, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for setting aside of order dated 19.10.2023 (Annexure P-4) passed by the learned JMIC, Hisar in a case bearing NACT No.2459/2019 dated 12.09.2019 titled as 'Suresh Trading Company Vs. Ms/ DKS Incorporate.'

Learned counsel for the petitioner *inter alia* contends that the petitioner is summoned in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 and he was granted bail on his appearance. On 16.06.2023, the petitioner unfortunately met with a road accident near Hisar and he was admitted in Sapra Hospital, Hisar. FIR was also registered under Sections 279/337 of IPC on account of the aforementioned road accident. The petitioner was discharged from hospital on 06.07.2023 and he was further advised bed rest for four weeks till 29.10.2023.

On 19.10.2023, the petitioner could not appear before the learned trial Court due to the aforementioned reasons and he has filed an application for

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exemption from personal appearance duly supported by the relevant medical reports. The learned trial Court vide impugned order dated 19.10.2023 has rejected the application for exemption from personal appearance and cancelled the bail of the petitioner and forfeited his bail bonds/surety bonds to the State.

The sole purpose of issuance of warrants of arrest is to secure the presence of the accused before the trial Court. The petitioner in the present case has himself came forward and has undertaken to appear before the learned trial Court on each and every date.

Accordingly, the present petition is allowed. The impugned order dated 19.10.2023 (Annexure P-4) vide which the bail of the petitioner was cancelled and his bail bonds/surety bonds were forfeited to the State is hereby set aside. The petitioner is directed to appear before the learned trial Court on or before 20.11.2023 and on his doing so, the learned trial Court shall admit him to the bail on his furnishing fresh bail bonds/surety bonds along with payment of Rs.10,000/- as costs, for wasting the precious time of the Court to be deposited with the District Legal Services Authority, Hisar.

Disposed off in above terms.

(HARPREET SINGH BRAR)
JUDGE

08.11.2023
Neha

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