

231 CRM-A-1065-MA-2014

Kawal Singh vs. Ashok Kumar

Present: Ms. Lipika, Advocate for
Mr. R.S. Mamli, Advocate
for the applicant.

None for the respondent.

Counsel appearing for the applicant submits that the present application was filed against acquittal in the year 2014 and he has a very good case on merit.

On 11.11.2014, Coordinate Bench of this Court had issued notice to the respondent. As per report of registry, notice issued to the respondent has been received back served through son. However, none has appeared on his behalf.

I have heard counsel for the applicant and gone through the record.

Leave to appeal granted.

The accused to execute a bond for attendance within two months, undertaking to appear in this court, in case the appeal is allowed.

In Mahidul Sheikh v. State of Haryana, CRM-33030-2021 in CRA-S-363-2020, decided on 14-01-2022, Para 53, this Court observed,

[53]. The pragmatic approach is that while granting bail with sureties, the "Court" and the "Arresting Officer" should give a choice to the accused to either furnish surety bonds or to handover a fixed deposit, or direct electronic money transfer where such facility is available, or creating a lien over his bank account. The accused should also have a further option to switch between the modes. The option lies with the accused to choose between the sureties and deposits and not with the Court or the arresting officer.

Given above, within two months, the accused shall furnish a personal bond of Rs. Ten Thousand only (INR 10,000/-) to the satisfaction of the concerned Trial Court/Duty Magistrate.

The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the accused along with the phone number(s), WhatsApp number (if any), e-mail (if any), and in case of any change, the Accused shall immediately and not later than 30 days from such modification, intimate about the change of residential address and change of phone numbers, WhatsApp number, e-mail accounts, to the Registry of this Court.

The furnishing of the personal bonds shall be deemed acceptance of the all stipulations, terms, and conditions of this bail order.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Registry to send copy of this order to the trial Court as well as to the respondent. It is clarified that in case, after getting the copy of this order, respondent does not furnish bonds within two months, trial Court might proceed further in accordance with law.

Main appeal

Admit.

List for final hearing on its own turn as per its queue following the roster of Negotiable Instruments Act.

(ANOOP CHITKARA)
JUDGE

18.12.2024
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