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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17158-2024

Date of Decision :25.09.2024

SINGLA PLYWOOD & HARDWARE STORE AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Ashu Rana, Advocate for the petitioners.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 11.01.2023 (Annexure P-6) passed by learned Additional Sessions Judge, SAS Nagar, whereby bail granted to the petitioner was cancelled, bail bonds/ surety bonds were forfeited and non-bailable warrants have been issued against the petitioner in case CRA-435-2017 titled as Singla Plywood and Hardware Store Vs. Nirmal Singh etc.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 08.04.2024, petitioner appeared before the learned trial Court on 16.04.2024 and furnished requisite bail bonds and surety bonds and placed on record copy of order dated 16.04.2024 passed by



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the learned Additional Sessions Judge, SAS Nagar. She contends that since the petitioner had joined the trial Court proceedings, as such the order dated 11.01.2023 (Annexure P-6) passed by learned Additional Sessions Judge, SAS Nagar whereby non-bailable warrants have been issued against the petitioner, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 16.04.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 08.04.2024:-

“ 1. Learned counsel for the petitioners inter alia contends that the petitioners had been convicted in complaint case No.RBT-332 dated 25.11.2014/15.12.2015 by learned Chief Judicial Magistrate, SAS Nagar for offence under Section 138 of the Negotiable Instruments Act, 1881 vide judgment of conviction and order of sentence dated 21.11.2017 (Annexure P-2). The said conviction was challenged by the petitioners by filing appeal bearing No.CRA- 435-2017 titled as ‘Singla Plywood and another Vs. Nirmal Singh’ (Annexure P-3) and the sentence of the petitioners was suspended by learned Additional Sessions Judge, SAS Nagar in aforesaid appeal bearing CNR No.PBSA01008485-2017, as is evident from Annexure P-4. It is submitted that the petitioner had been regularly appearing in the Appellate Court, however, on 11.01.2023, he could not appear in the Court nor his counsel had put in appearance, leading to cancellation of his bail and issuance of non-bailable warrants of arrest vide order dated 11.01.2023 (Annexure P-6). She also refers to order dated 24.01.2024 (Annexure P-7) to submit that the case is still pending for service of petitioner through non- bailable warrants of arrest. She contends that the absence of petitioner was not intentional but due to the fact that his real sister namely Lalita Rani, who was suffering from cancer, had expired on 08.05.2023 and thereafter his brother namely Sheetal Kumar had also expired on 07.09.2023. Their death certificates have been appended with the



petition as Annexure P-8. She contends that due to aforesaid reason, petitioner got mentally upset and could not appear in the Court. She submits that petitioner is ready to appear in the trial Court and face trial.

2. *Notice of motion.*

3. *On the asking of the Court, Mr. Harpreet Singh, Additional AG Punjab accepts notice on behalf of the respondent-State.*

4. *Issue notice to respondent No.2 for 03.05.2024.*

5. *Dasti as well.*

6. *In the meanwhile, petitioner is directed to appear before the Additional Sessions Judge, SAS Nagar (Mohali)/Appellate Court concerned, within a period of 10 days from today. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Additional Sessions Judge, SAS Nagar (Mohali). The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency will he seek prior exemption from the Court in accordance with law”*

6. Keeping in view the fact that the petitioner has already appeared on 16.04.2024 before the learned trial Court and furnished his requisite bail/surety bonds consequent to the order dated 08.04.2024, passed by this Court, the present petition is allowed and order dated 11.01.2023 (Annexure P-6), passed by learned Additional Sessions Judge, SAS Nagar, whereby non-bailable warrants were issued against the petitioner is hereby set-aside and the interim bail granted vide order dated 08.04.2024 passed by this Court is hereby confirmed.

7. The Petition stands allowed.

(SANJIV BERRY)
JUDGE

25.09.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No

Yes/No