

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130

CRM-M No.19714 of 2024
Date of Decision: 22.04.2024

SUKHDEV SINGH

.....Petitioner(s)

Vs

STATE OF PUNJAB AND ANOTHER

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. G.S. Bhatia, Advocate
for the petitioner.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 20.03.2024 (Annexure P-8) passed by the Addl. Sessions Judge, Amritsar, whereby bail of the petitioner was cancelled and his bail bonds /surety bonds were forfeited to the State resulting into issuance of fresh non-bailable warrants against him.
- [2]. Briefly stating, having been implicated as an accused in a complaint under Section 138 of Negotiable Instruments Act, the petitioner was sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of Negotiable Instruments Act and also directed to pay compensation to tune of Rs.3,50,000/- to the complainant under Section 357(3) Cr.P.C. In case of default of payment of compensation, petitioner was to further undergo rigorous imprisonment for a period of two months vide judgment of conviction and order of sentence dated 15.05.2019 passed by the Judicial Magistrate Ist Class, Amritsar.

[3]. Against the aforesaid, the petitioner preferred an appeal wherein sentence of the petitioner was suspended vide order dated 12.06.2019 passed by the Addl. Sessions Judge-VI, Amritsar.

[4]. In pursuance of aforesaid order, the petitioner having been granted benefit of suspension of sentence, was participating in the proceedings, but for one date i.e. 20.03.2024, petitioner could not appear on account of wrong date of hearing noted down by him resulting into cancellation of his bail and non-bailable warrants were issued against him.

[5]. Impugning the aforesaid order dated 20.03.2024, learned counsel for the petitioner submits that non-appearance of the petitioner was wholly unintentional as the petitioner never intended to evade the process of law. It has further been submitted that since 20.03.2024 till today, petitioner never indulged himself in any kind of criminal activity and is ready to surrender before the Appellate Court to join the proceedings. Learned counsel also submits that the petitioner volunteers to serve the public cause by providing a wheelchair to the Civil Hospital, Amritsar.

[6]. Notice of motion to respondent No.1 only at this stage; no notice is required to be served upon respondent No.2/complainant as no prejudice would be caused to him, rather it would burden him towards unnecessary litigation expenses.

[7]. Upon advance notice, Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of the respondent/State and opposes the prayer made on behalf of the petitioner while submitting that despite having knowledge of pendency of proceedings against him, petitioner chose not to submit himself to the jurisdiction of the Court and, thus, order dated 20.03.2024 passed by the Addl. Sessions Judge, Amritsar, warrants no interference.

[8]. I have heard learned counsel for the parties and gone through the paper book.

[9]. Considering the fact that the petitioner could not appear before the Trial Court on 20.03.2024 on account of noting down of wrong date of hearing by him and the fact that he never indulged himself in any kind of criminal activity post 20.03.2024 till date and also that he is ready to join the proceedings before the Appellate Court, the present petition is allowed and the order dated 20.03.2024 passed by the Addl. Sessions Judge, Amritsar is set aside with a direction to the petitioner to appear before the Appellate Court on or before the next date of hearing and furnish his bail bonds/surety bonds to the satisfaction of the concerned Court. The petitioner shall also file an affidavit that he will appear on each and every date of hearing except in case of the exemptions specifically granted by the Court concerned.

[10]. The aforesaid order, however, shall subject to providing one wheelchair to the Civil Hospital, Amritsar as volunteered by the petitioner, against receipt issued by the concerned CMO, who shall even prepare an inventory in this regard along with the details of the present order. A copy of the same be sent to the office of Advocate General, Punjab. Till then, no coercive steps be taken against the petitioner.

April 22, 2024 <i>Atik</i>	(HARKESH MANUJA) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No