

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124 CRM-M-20559-2024

DATE OF DECISION: 26.04.2024

NEERAJ GOYAL

...PETITIONER

Versus

M/s. TEK CHAND AND SONS

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Fateh Saini, Advocate for the petitioner(s).

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for seeking quashing/setting aside of the order dated 15.03.2024 (Annexure P-4) whereby bail by way of suspension of sentence of the petitioner has been cancelled and warrants of arrest has been issued by dismissing his application for personal exemption on medical grounds.

Learned counsel for the petitioner submits the petitioner could not appear in Court on 15.03.2024 as the petitioner was keeping bad health due to certain medical emergencies and thereby he moved an application for exemption from personal appearance on 15.03.2024 and the same was dismissed by the Court below and further ordered warrants of arrest against the petitioner. He further submits that the petitioner has also deposited 20% of the compensation amount that was ordered by the Court below while suspending his sentence. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

This Court is of the considered view that the perusal of order 15.03.2024 shows that petitioner has moved application on 1.08.2023 and on that day, his personal appearance was exempted and thereafter, the case was adjourned for 24.08.2023. Subsequently, on 29.01.2024, the petitioner again moved an application for exemption and the same was again allowed and was fixed for 31.01.2024 and again, he failed to appear before the Court and it was in view of such sequence of events that the Trial Court rightly cancelled the bail / surety bonds of the petitioner. However, this Court cannot lose sight of the fact that now the petitioner is ready and willing to surrender back before the Trial Court if one opportunity is provided to him.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of fifteen days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

The petitioner is however directed to pay costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality, his application for the bail be considered and decided in accordance with law. Moreover this

concession is not granted in view of cost imposed rather to compensate the judicial process and the complainant that has suffered the delay and prejudice on account of petitioners conduct.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

26.04.2024
D. Bansal

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