



CRM-M No.23571 of 2024

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.23571 of 2024
Date of Decision: 10.05.2024**

NAVJOT SINGH BOPARAI ALIAS NAVJOT SINGHPetitioner(s)**Vs****KALRA CARIERS****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Ms. Kamlesh, Advocate for
Mr. Parminder Singh, 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 05.02.2024 (Annexure P-7) passed by the Judicial Magistrate Ist Class, Ambala, whereby bail of the petitioner has been 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 summoned in a Criminal Complaint No.COMA/3612/2019 dated 19.11.2019 filed under Section 138 of Negotiable Instruments Act at the instance of the respondent/complainant, petitioner appeared and was released on bail by the Trial Court and since then, he was regularly participating in the proceedings, but for one date i.e. 05.02.2024, when petitioner could not appear on account of wrong date of hearing noted down by him resulting into cancellation of his bail and issuance of non-bailable warrants against him.

[3]. Impugning the aforesaid order dated 05.02.2024, 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 been further submitted that since 05.02.2024 till today, petitioner never indulged

himself in any kind of criminal activity and is ready to surrender before the Trial Court to join the proceedings.

[4]. In view of proposed order, no notice is required to be issued at this stage as no prejudice would be caused to the respondent-complainant which may even otherwise burden it towards unnecessary litigation expenses.

[5]. I have heard learned counsel for the petitioner and gone through the paper book.

[6]. Considering the fact that the petitioner could not appear before the Trial Court on 05.02.2024 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 05.02.2024 till date and also that he is ready to join the proceedings before the Trial Court, the present petition is allowed and the order dated 05.02.2024 (Annexure P-7) passed by the Judicial Magistrate Ist Class, Ambala is set aside with a direction to the petitioner to appear before the Trial Court within a period of ten (10) days from today 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.

[7]. The aforesaid order, however, shall be subject payment of cost(s) of Rs.5,000/- to be deposited with Nishkam Sewa Group (For Charitable Work) Run by Punjab & Haryana High Court Lawyers at Chandigarh. The copy of receipt shall also be produced before the Trial Court. Till then, no coercive steps be taken against the petitioner.

May 10, 2024
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Whether speaking/reasoned
Whether reportable

(HARKESH MANUJA)
JUDGE

Yes/No
Yes/No