



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

CRM-M-27712-2024

DECIDED ON: 29.05.2024

M/S ARYAN SOLUTIONS AND ANOTHER

.....PETITIONERS

VERSUS

V CON INTEGRATED SOLUTIONS PVT LTD

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Navjinder Singh Sidhu, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of order dated 27.02.2024 (Annexure P-6), passed by learned Judicial Magistrate Ist Class, Chandigarh, whereby the bail of the petitioner stands cancelled and bail bonds were forfeited to the State.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 27.02.2024, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. Due to his absence on 27.02.2024, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants for 17.05.2024.

It has been further argued before this Court on behalf of the petitioner that he does not have any intention to stay away from the trial proceedings, who was earlier admitted to bail subject to furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount. On

subsequent proceedings, the matter was also sent to Mediation and Conciliation Centre for 02.02.2024 and it was adjourned to await the report for 27.02.2024. He further contends that the petitioner was not keeping good mental health after having lost his mother who unfortunately expired just before the initiation of the instant litigation i.e. on 17.12.2023 and has been suffering from viral hepatitis who was advised complete bed rest w.e.f. 24.02.2024 to 03.03.2024 as is evident from medical certificate dated 12.03.2024 (Annexure P-5).

Having heard learned counsel for the petitioner and given due regard to the assertions made on behalf of the petitioner, the *bona fide* of the petitioner is tested well before this Court who has undertaken to surrender before the trial Court within a period of one week from today which will facilitate the furtherance of trial proceedings avoiding any delay in the said procedure.

This Court also has to take harmonious approach for ensuring that administration of a criminal justice could be delivered smoothly and not be hampered by passing any mechanical order in between, wherein bona fide is to be checked before passing a harsh order upon the accused persons.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week 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.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The instant petition is disposed of in the aforesaid terms.

29.05.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No