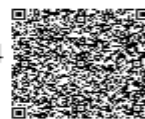


2024:PHHC:079054



136 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-28636-2024

Date of Decision: 31.05.2024

Manjodh Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Munish Kamboj, 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 quashing of order dated 28.02.2024 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Sirsa, whereby bail of the petitioner was cancelled, besides, forfeiture of bail bonds as well as surety bonds to the State, followed by issuance of warrants of arrest against him as well as orders dated 15.03.2024 and 30.04.2024 (Annexure P-3) vide which, penalty of Rs.25,000/- was imposed upon him and his surety followed by issuance of non-bailable warrants against him.

2. Having been summoned in pursuance to a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (for short, "NI Act") at the instance of one Darbara Singh, petitioner was released on bail and since then he was regularly appearing before the trial Court. However, on 28.02.2024, the petitioner failed to appear before the trial Court, resulting into cancellation of his bail and forfeiture of bail bonds as well as surety

bonds to the State followed by issuance of warrants of arrest against him vide order dated 28.02.2024, followed by imposition of penalty of Rs.25,000/- upon him and his surety and further issuance of non-bailable warrants against him.

3. Learned counsel for the petitioner submits that the petitioner could not appear before the trial Court on 28.02.2024, due to some unavoidable circumstances.

4. Notice of motion.

5. Mr. S.K. Panwar, Addl. A.G., Haryana accepts notice and vehemently opposes the prayer made on behalf of the petitioner while submitting that the non-appearance of the petitioner before the trial Court was just to cause delay.

6. I have heard learned counsel for the parties and gone through the paper book.

7. The non-appearance of the petitioner before the Trial Court on 28.02.2024 appears to be unintentional and for bonafide reason i.e. due to unavoidable circumstances.

8. Moreover, learned counsel for the petitioner, on instructions from his client, submits that he even volunteers to serve public cause by providing two (02) wheel chairs to Civil Hospital, Sirsa.

9. In view of the above, the present petition is allowed. Order dated 28.02.2024 is set aside along with all consequential proceedings arising therefrom including order dated 15.03.2024, which was even otherwise passed without affording any opportunity to the petitioner. Petitioner is directed to appear before the trial Court within a period of one week from today and furnish his fresh bail/surety bonds, which shall be accepted,

subject to its satisfaction.

10. The aforesaid order, however, shall be subject to providing two (02) wheel chairs to the Civil Hospital, Sirsa, within a period of 15 days from today as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Haryana at the earliest for maintaining records in this regard.

11. All the pending applications, if any, stand disposed of.

31.05.2024  
sonika

(HARKESH MANUJA)  
JUDGE

Whether speaking/reasoned: yes/no  
Whether reportable? yes/no