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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-43033-2024  
Date of decision: 02.09.2024

Jai Parkash ...Petitioner

Versus

State of Haryana and Another ...Respondents

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

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**KARAMJIT SINGH, J. (ORAL)**

1. This petition has been filed by the petitioner under Section 528 Bhartiya Nagrik Surakasha Sanhita (BNSS) 2023 for quashing of the impugned order dated 08.07.2024 Annexure P-4 passed by the Court of Additional Sessions Judge, Bhiwani whereby the bail bonds/surety bonds of petitioner were cancelled and he was directed to be summoned through non bailable warrants of arrest on account of his absence in CRA-356-2019 titled as Jai Parkash Vs. Dharambir.
2. Counsel for the petitioner submits that the petitioner was convicted by the learned trial Court in complaint case filed under Section 138 NI Act and being aggrieved, the petitioner filed aforesaid criminal appeal which is pending in the Court of Additional Sessions Judge, Bhiwani. Due to some unavoidable circumstances, the petitioner failed to appear before the appellate Court on 08.07.2024 and consequently, impugned order Annexure P-4 was passed by the said Court. It is further submitted that this was first default on the part of the petitioner and further petitioner has already deposited 20% of the amount of compensation, as per provisions of Section 148 of NI Act. It is further submitted that absence of the petitioner was not intentional and in future he will remain careful and appear in time before the appellate Court.

3. Notice of motion.
4. Mr. P.K. Aggarwal, DAG, Haryana, accepts notice on behalf of the State and submits that the case is relating to private complaint lodged by respondent No.2 against the present petitioner under Section 138 NI Act and the appeal against conviction is pending before the appellate Court at Bhiwani.
5. Admittedly, offence punishable under Section 138 NI Act is bailable offence and further the petitioner has already deposited 20% of the compensation amount awarded by the trial Court. Furthermore, the petitioner is ready and willing to join proceedings before the appellate Court at the earliest.
6. In light of the above, the present petition is hereby disposed of without expressing any opinion on the merits of the case with direction to the petitioner to appear before the appellate Court within next 10 days and on his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction subject to cost of Rs.5,000/- to be deposited by the petitioner with District Legal Services Authority, concerned.
7. The present petition stands disposed of in aforesaid terms.

**02.09.2024**  
*Yogesh*

**(KARAMJIT SINGH)**  
**JUDGE**

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|------------------------------------|---------------|
| <b>Whether speaking/reasoned:-</b> | <b>Yes/No</b> |
| <b>Whether reportable:-</b>        | <b>Yes/No</b> |