



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 48100 of 2023 (O&M)
Date of Decision: 14.05.2024

Sukhwinder Singh

..... Petitioner

Versus

Tejinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the petitioner.
None for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 04.09.2023 (Annexure P-5) passed by the learned Additional Sessions Judge, Ludhiana, whereby his bail order was cancelled followed by forfeiture of bail bonds and surety bonds to the State, while summoning through non-bailable warrants in case No. CRA/2330/2019, titled “*Sukhwinder Singh Versus Tejinder Singh*”.

[2] Co-ordinate Bench, while issuing notice of motion vide order dated 25.09.2023 passed the following order:-

“ The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the order dated 04.09.2023, passed by Additional Sessions Judge, Ludhiana, whereby the bail order of the petitioner was ordered to be cancelled and the bail bonds and surety bonds were forfeited to the State.

Learned counsel for the petitioner submits that the petitioner was ordered to be convicted for the offence

punishable under Section 138 of Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for a period of two years and to pay compensation. Against the said judgment, the petitioner had filed an appeal, which was being heard by the Court of Additional Sessions Judge, Ludhiana. Learned counsel further submits that on 03.09.2023, the petitioner was in Mumbai and had booked his flight from Mumbai to Chandigarh, so that he may attend the Court proceedings on 04.09.2023. He also annexed the air tickets in support of the said arguments. However, due to heavy rain and flood in Mumbai, the petitioner could not get the said flight and could not attend the Court proceedings on 04.09.2023. His counsel moved an application for exemption from personal appearance Annexure P-2, still the bail order of the petitioner was ordered to be cancelled and he was summoned through non-bailable warrants vide order Annexure P-5. He next contends that the petitioner is ready to appear before the Appellate Court and join the Court proceedings.

Notice of motion for 16.11.2023. Issue dasti process as well.

In the meantime, the petitioner is directed to surrender before the Court of Additional Sessions Judge, Ludhiana/Appellate Court within a period of 10 days from today and on his surrender, he shall be admitted to interim bail subject to furnishing of surety bonds/bail bonds to the satisfaction of the trial Court/Illaq Magistrate. The petitioner shall continue to appear before the trial Court on each and every date of hearing and shall not absent during the course of proceedings without prior permission of the Court. ”

[3] As per office report, notice issued to sole respondent through his counsel, namely, Mr. Sunny Aggarwal, appearing before the Court below, has been served; however, no one appears on his behalf.

[4] Pursuant to above order dated 25.09.2023, the petitioner surrendered himself before the trial Court and has released on interim bail vide order dated 03.10.2023, which has been reflected from the proceedings / order dated 11.10.2023 passed by the learned Additional Sessions Judge, Ludhiana, which is re-produced hereunder:-

“ CRA 2330 Sukhwinder Singh Versus Tejinder Singh
Present: Appellant on bail, with counsel Sh. Ravinder Singh Rana.
Sh. Sunny Aggarwal, Advocate for respondent.

Appellant has already been granted interim bail by Hon’ble High Court vide order dated 25.09.2023 passed in CRM-M-48100-2023 and he has been released on interim bail by this court vide order dated 03.10.2023 as appellant surrendered before the court in compliance of above said orders of Hon’ble High Court. On request, case is adjourned to 07.11.2023 for arguments.

*Date of Order: 11.10.2023 (Bishan Saroop),
Addl. Sessions Judge, Ludhiana.
(UID No.PB0449)”*

[5] In view of the fact that the petitioner has already surrendered himself before the Court concerned; admitted to bail and is facing the proceedings, the order dated 25.09.2023 passed by this Court is made absolute. The Appellate Court is requested to decide the appeal as per law at the earliest, preferably within a period of four months from today.

[6] **Disposed off.**

May 14, 2024
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(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No