



CRM-M-46920-2024

-1-

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

CRM-M-46920-2024

Date of Decision: 19.09.2024

Jaswinder Singh

..... Petitioner

Versus

Madan Puri

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Roopam Jain, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for setting aside the impugned order dated 26.07.2024 passed by learned Additional Sessions Judge, Chandigarh in CIS No.CRA/521/2023 vide which bail of the petitioner was cancelled and bail bonds were forfeited to the State and he was summoned through non-bailable warrants and notice to surety of the petitioner under Section 446 of Cr.P.C. was also issued.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that sentence of the petitioner was suspended by learned Additional Sessions Judge, Chandigarh vide order dated 18.11.2023 and thereafter, he was duly appearing before learned Appellate Court in the appeal filed by him. He submits that however, on one date i.e. 26.07.2024, the petitioner could not appear before the Court and his bail was cancelled and bail bonds were forfeited to the State and he was summoned through non-bailable warrants. He has further submitted that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the amount of cheque is Rs.1,00,000/- and the petitioner is even ready to settle the dispute amicably with the complainant and is also

ready to appear before the Appellate Court and join the proceedings and also abide by all the terms and condition, if any imposed by the Court.

4. After hearing learned counsel for the petitioner and perusing the record, it is evident that on 26.07.2024, due to his non-appearance, his bail was cancelled and bail bonds/surety bonds were forfeited to the State and non-bailable warrants were issued against him. Keeping in view the facts and circumstances of the case, this Court deems it appropriate to decide the petition without issuance of notice to the opposite party as resorting to that process will result in delay of the proceedings in the main case. So in these circumstances, when the petitioner is ready to settle the dispute amicably with the complainant and also to face the proceedings, the order dated 26.07.2024 is set aside.

4. The petitioner is directed to appear before the Appellate Court within a period of ten days from today and file appropriate application and the Court concerned would grant him bail on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to take note of the contentions raised by counsel for the petitioner regarding amicable settlement of the dispute between the parties.

5. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order under challenge will come in force.

19.09.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No