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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-48778-2024 (O&M)
Date of decision: 27.09.2024

Joeman George ...Petitioner

Versus

State of U.T., Chandigarh ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Tejasvi Sheokhan, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh with
Mr. Shaurya Nagpal, Advocate
for the respondent-U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 528 read with Sections 482, 490 and 491 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside the order dated 18.07.2024 (Annexure P-1), passed by the Court of learned Judicial Magistrate First Class, Chandigarh in case titled as *State of U.T. Chandigarh vs. Jeoman George*, arising out of FIR No. 0150 dated 05.06.2023, registered under Section 174-A of IPC, whereby the bail of the petitioner has been cancelled and arrest warrants have been issued against him.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the petitioner is facing trial in a complaint filed by complainant

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Vivek High School under Section 138 of Negotiable Instruments Act, 1881. In the said proceedings, the petitioner was declared a proclaimed person, vide order dated 29.04.2023 and the aforesaid FIR under Section 174-A of IPC was registered against him. However, the petitioner was granted concession of bail in the said case and was regularly appearing before the Court concerned. However, he absented himself from the Court proceedings on 18.07.2024, consequent to which, his bail had been cancelled by the trial Court and non-bailable warrants have been issued against him.

3. Learned counsel for the petitioner has argued that the impugned order is liable to be set aside. He was granted concession of bail by the trial Court and was regularly attending the Court proceedings but on 18.07.2024, due to oversight of the petitioner, he could not appear before the trial Court resulting into cancellation of his bail. Learned counsel for the petitioner has further submitted that the absence of the petitioner before the trial Court on the said date was neither intentional nor deliberate. He undertakes to attend the Court proceedings, as and when he is required to do so. He is ready to abide by the terms and conditions as may be imposed by this Court. More so, a compromise has been arrived at between the parties in the proceedings pending under Section 138 of N. I. Act and the final payment shall be made to the complainant in due course. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of bail.

4. Learned Public Prosecutor, appearing on behalf of the respondent-U.T., Chandigarh has not disputed the factual position but has opposed the prayer of the petitioner.

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5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.
6. Admittedly, the petitioner was granted concession of bail by the trial Court. He was regularly appearing before the Court. However, he absented on 18.07.2024, consequent to which, his bail had been cancelled and non-bailable warrants have been issued against him. The absence of the petitioner on the aforesaid date is obviously due to his carelessness but it does not attract the consequence of detaining him into custody. More so, it is apparent that he is ready to appear before the Court concerned and face the trial. The next date fixed before the trial Court is 08.10.2024. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that this petition deserves to be allowed.
7. Accordingly, the present petition is disposed of. The petitioner is directed to surrender before the trial Court on or before the next date fixed before it and on doing so; the trial Court will release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction. However, the trial Court will be at liberty to conclude the proceedings initiated under Section 446 of Cr.P.C.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No