



CRM-M-55368-2024

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

CRM-M-55368-2024

Date of Decision: 08.11.2024

Kulbir Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. A.S. Barnala, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 07.05.2024 (Annexure P-2), whereby, bail and surety bonds of the petitioner have been cancelled and non-bailable warrants of arrest has been issued and further the petitioner has been declared a proclaimed person vide order dated 21.10.2024 (Annexure P-4) in a complaint case under Section 138 of the Negotiable Instruments Act, 1881, titled as Veena Dogra vs. Kulveer Singh, bearing CIS No.NACT-518-2018.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present complaint. He has submitted that after granting bail by the trial Court, the petitioner was regularly appearing before the Court, however, on 07.05.2024 due to unavoidable circumstances, he could not appear before the Court and on account of the same, his bail was cancelled and bail bonds were forfeited to the State and he was summoned through non-bailable warrants. He further submits that thereafter, vide order dated 21.10.2024, the petitioner was declared proclaimed person. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court



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and abide by all the terms and condition, if any imposed by this Court.

3. Notice of motion to the official respondent only.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State and submits that learned trial Court has rightly cancelled the bail of the petitioner as he failed to appear before it.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that on 07.05.2024, the petitioner remained absent and due to his non-appearance, his bail was cancelled and bail bonds/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants and thereafter, vide order dated 21.10.2024, he was declared a proclaimed person. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, the order dated 07.05.2024 and 21.10.2024 are set aside subject to payment of Rs.10,000/- as costs to be paid to the complainant by the petitioner.

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case 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. Costs of Rs.10,000/- shall be paid to the complainant forthwith on his appearance before the trial Court. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order

dated 07.05.2024 and 21.10.2024 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands allowed in abovesaid terms.

08.11.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No