



CRM-M-55782-2024

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

CRM-M-55782-2024

Date of Decision: 08.11.2024

Ranbir

..... Petitioner

Versus

Rammehar

.....Respondent

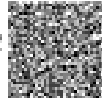
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurminder Singh Phull, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 10.10.2024 (Annexure P-12) and 24.10.2024 (Annexure P-13) passed by learned ADJ, Bhiwani arising out of COMA 2952/2018 dated 20.11.2018, whereby warrants of arrest have been issued against the petitioner on account of default of appearance and the bail/surety bonds furnished by the petitioner have been cancelled and forfeited to the State.

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 in a complaint filed by respondent-complainant, the petitioner was convicted and sentenced for simple imprisonment for one year and to pay compensation of Rs.5,00,000/- i.e. the cheque amount by learned JMJC, Bhiwani vide order dated 22.07.2022. He submits that the petitioner preferred an appeal before learned Additional Sessions Judge, Bhiwani and learned Appellate Court suspended the sentence of the petitioner vide order dated 26.08.2022. Thereafter, the petitioner was continuously appearing before the Court till 10.10.2024, on which date he moved an application for granting him exemption from appearance before the Court as he was unable to move due to injury on his foot, but learned Court without considering the merits of the application, rejected the same and cancelled the bail/surety



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bonds of the petitioner and he was ordered to be summoned through warrants of arrest for 24.10.2024 and again on 24.10.2024, fresh non-bailable warrants of the petitioner were ordered to be issued for 14.11.2024. 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 and abide by all the terms and condition, if any imposed by this Court.

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the record, it is evident that due to unavoidable circumstances, the petitioner could not appear before the Appellate Court on 10.10.2024, and due to his non-appearance, his bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join and face the proceedings, the order dated 10.10.2024 is set aside subject to payment of Rs.10,000/- as cost to be paid to the complainant by the petitioner.

5. The petitioner is directed to appear before the Appellate Court on 14.11.2024 which is stated to be the date fixed before it and file an appropriate application alongwith costs of Rs.10,000/- and the Appellate Court would grant him bail till the disposal of the appeal on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest till 14.11.2024. Costs of Rs.10,000/- shall be paid to the complainant forthwith on his appearance before the Appellate Court, who will be served by it by issuing notice. The Appellate Court is free to impose any condition on the petitioner while admitting him to bail.

6. 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 10.10.2024 will come in force and the present petition shall be deemed to have been dismissed.
7. Petition stands disposed of in abovesaid terms.

08.11.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No