



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

CRM-M-58011-2024

Date of Decision : **21.11.2024**

SOURAV KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashdeep Singh, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. The present petition has been filed seeking quashing of impugned order dated 23.08.2024 (Annexure P-4), whereby, the bail granted to the petitioner has been cancelled, and his bail bonds/surety bonds have been forfeited to the State, and thereupon his non-bailable warrants of arrest have been issued, by the learned Judicial Magistrate Ist Class, Batala, in a complaint case bearing No.NACT/485/2022, dated 12.07.2022, instituted under Section 138 of the Negotiable Instruments Act, 1881.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was earlier on regular bail, and since then he was regularly appearing before the learned trial Court concerned. Whereas owing to non-appearance on one date, i.e. 23.08.2024, due to serious illness with typhoid fever, the learned trial Court concerned,

proceeded to cancel his bail bonds, and non-bailable warrants were ordered to be issued against the present petitioner to secure his presence.

3. Though learned counsel for the petitioner, made endeavour to throw challenge to the impugned order (*supra*), however, he is unable point out any illegality or perversity in the said order passed.

4. He further submits that the petitioner is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

5. On the other hand, learned State counsel opposes the grant of relief (*supra*), to the present petitioner.

6. This Court has considered the rival submissions made by learned counsel for both the parties concerned, and has gone through the entire case file.

7. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality or illegality of the impugned order, this Court directs the petitioner to surrender before the learned trial Court concerned within 15 days from today.

8. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time, and furnishes fresh bail and surety bonds, the same shall be accepted by the learned trial Court concerned, however, subject to its satisfaction, and the petitioner shall be released on regular bail.

9. In the meanwhile, the arrest of the petitioner shall remain stayed.

10. However, in case, the petitioner fails to surrender before the learned trial Court concerned within 15 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

11. However, this would not be construed to be as a legal impediment for the learned trial court concerned, to proceed further, under the provisions of Section 446 Cr.P.C.

12. Disposed of accordingly.

November 21, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No