

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

CRM-M-1-2024

Date of Decision : 02.01.2024

SURINDER KUMAR BINDAL & ANOTHERPetitioners

VERSUS

SATINDER NATH RADHEY SHYAM & SONSRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shreenath A. Khemka, Advocate
for the petitioners.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 482 Cr.P.C., prayer is made for quashing of order dated 19.10.2023 (Annexure P-5), passed by the learned Additional Sessions Judge, Jind , in criminal appeal before No. CRA-91-2018, whereby bail of the petitioners has been cancelled, and their bail bonds were ordered to be forfeited, and warrants of their arrest have been issued for dated 04.01.2024.

2. Vide order dated 17.04.2018, the petitioners were convicted by the learned trial Court concerned, for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. Aggrieved with the order (*supra*), the petitioners preferred a criminal appeal bearing No.91 of 2018 before the learned appellate Court

concerned, and their sentence was ordered to be suspended under the provisions of Section 389 of the Cr.P.C.

4. Learned counsel for the petitioner submits that the petitioners were appearing regularly since 2018 before the learned appellate Court concerned, however, on dated 09.10.2023, the petitioners could not cause their appearance for the reasons assigned in paragraph no.2 of the petition. He further submitted that petitioners are ready and willing to appear before the learned appellate Court concerned on the date fixed.

5. This Court finds that the reasons are good and valid and it seems that the absence of the petitioners was not willful rather *bona fide*. Therefore, this Court deems it appropriate to interfere in the instant matter.

6. The State of Haryana being the necessary party, is ordered to be impleaded as respondent no.2, in the array of memo of parties. The Registry is directed to make necessary correction in the memo of parties.

7. Notice of motion is issued to respondent no.2-State only.

8. Mr. Gurbir Singh Dhillon, AAG, Haryana, accepts notice on behalf of respondent no.2-State and waives service.

9. Considering the innocuous prayer as made by the learned counsel for petitioners, that the petitioners are ready and willing to appear before the learned appellate Court concerned, in case adequate protection is granted to them, the petition is disposed of with a direction to the petitioners to cause appearance before the learned appellate Court concerned on dated 04.01.2024, the date already fixed before that Court.

10. In case the petitioners cause appearance before the learned appellate Court concerned on dated 04.01.2024, and move an application for grant of bail, the learned appellate Court concerned, is directed to decide the same on that very day. Till then, the arrest of petitioners shall remain stayed.

11. Disposed of accordingly.

January 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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