



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

CRM-M-2519-2025

Date of decision: 06.02.2025

HARCHARAN SINGH

....PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Rajat Dogra, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 528 of BNSS, 2023, petitioner seeks quashing of impugned order dated 21.03.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Sirsa, vide which the bail of the petitioner has been cancelled and bail bonds and surety bonds has been ordered to be forfeited to the State in Criminal Appeal No. CRA-200-2022, instituted on 01.10.2022, pending for 13.03.2025 against the judgment of conviction in Criminal complaint No. NACT-280-2017 dated 01.09.2017 titled '*M/s Hargu Lal Mangal Chand Versus Harcharan Singh*' under Section 138 of Negotiable Instruments Act, 1881.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 20.01.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record



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copy of order dated 24.01.2025 passed by learned Additional Sessions Judge, Sirsa, in this regard.

3. Mr. Rakesh Sobti, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record. He has although not disputed the appearance of the petitioner before the learned trial Court as per the order dated 24.01.2025 submitted by learned counsel for the petitioner, but contended that he has earlier also misused the concession of bail. Hence, he is not entitled to concession of bail by way of present petition.

4. Learned State counsel has not disputed this aspect qua the petitioner having appeared before the learned trial Court and having furnished the bail bonds as per the order dated 20.01.2025 passed by this Court.

5. During the course of hearing on 20.01.2025, following order was passed:

“ 2. It is, inter alia contended by learned counsel for the petitioner that the petitioner is aged about 59 years and had been regularly appearing before the learned trial Court in CRA No.200 of 2022 titled as ‘Harcharan Singh Versus M/s Hargu Lal Mangal Chand’, which was fixed for 21.03.2024 but on account of ill health the petitioner could not appear before the learned trial Court leading to cancellation of his bail and issuance of non-bailable warrants of arrest. He submits that now the matter is pending for 13.03.2025 for the presence of the petitioner and has placed on record the latest order dated 18.11.2024 passed by Additional Sessions Judge, Sirsa. He further submits that the absence of the petitioner was not



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intentional and he is ready to face the proceedings in the appeal. Hence, the present petition.

3. Notice of motion.

4. On the asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix.

5. On depositing of the process fee within 07 days from today, notice to respondent No.2 be issued for the next date of hearing.

6. Dasti as well.

7. In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be admitted on interim bail on his furnishing bail bonds /surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency he will seek prior exemption from the Court in accordance with law.

8. The petitioner is also burdened with cost of Rs.10,000/- to be deposited with the District Legal Services Authority, Sirsa, as a condition precedent for his admission to interim bail.

9. List on 06.02.2025.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 20.01.2025, passed by this Court, the present



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petition is allowed. The order dated 21.03.2024 (Annexure P-3), passed by learned Additional Sessions Judge, Sirsa, stands quashed and the interim bail granted vide order dated 20.01.2025 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

06.02.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |