

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

2025:PHHC:101714



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CRM-M-42745-2025 (O&M)

Date of Decision: 07.08.2025.

Nagender Singh

...Petitioner.

Versus

State of Haryana and another

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. D.S. Virk, Advocate for the petitioner.

SUKHVINDER KAUR, J.

Present petition has been filed under Section 528, BNSS, 2023, for quashing of order dated 23.07.2025 (Annexure P2) passed by learned Additional Sessions Judge, Sirsa arising out in CRA-428-2023 titled as 'Nagender Singh Vs. Gamdoor Singh', vide which the bail bonds and surety bonds of the petitioner have been cancelled on account of non-appearance.

The relevant facts of the present case for adjudication are that respondent No.2 had filed complaint under Section 138 of N.I. Act for dishonouring of cheque No.640008 dated 22.12.2017 amounting of Rs.7,00,000/- drawn from O.B.C. Bank, Ellenabad issued by the petitioner, in which the petitioner was convicted vide judgment dated 13.10.2023 and sentenced to undergo S.I. for a period of one year and to pay fine of Rs.7,00,000/-. Thereafter, the petitioner filed an appeal before learned Additional Sessions Judge in CRA-428 of 2023, vide which sentence of the petitioner was suspended vide order dated 16.11.2023. The petitioner had been regularly appearing before the Appellate Court. The petitioner could not appear before the Appellate Court due to ill health and moved

exemption application on 23.07.2025, but his bail order as well as bail bonds and surety bonds were cancelled and forfeited to State and he was ordered to be summoned through warrants of arrest.

It has been contended by learned counsel for the petitioner that earlier the petitioner was regularly appearing before the trial Court and absence of the petitioner on 23.07.2025 was not intentional but was due to his ill health. He further submitted that now the matter is fixed for 20.08.2025 before learned Appellate Court and the petitioner undertakes that he will deposit 20% of the compensation amount on the said date and is ready to surrender before the Appellate Court. Therefore, the impugned order dated 23.07.2025 be set aside.

Heard.

Considering the facts and circumstances of the present case and taking note of the fact that disposal of appeal is likely to take time and no useful purpose is likely to be served by sending him behind the bars, the impugned order dated 23.07.2025 is set aside. The petitioner is directed to surrender and appear before the learned Appellate Court on the date fixed and on doing so, he would be released on bail on furnishing his fresh bail/surety bonds to the satisfaction of the Court concerned and with the undertaking to appear regularly before the Appellate Court on each and every date of hearing and subject to depositing of Rs.6,000/- with DLSA, Sirsa.

Disposed of in the aforesaid terms.

(SUKHVINDER KAUR)
JUDGE

07.08.2025.

Komal

Whether speaking/reasoned?	:	Yes/ No
Whether reportable?	:	Yes/ No