



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

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CRM-M-50803-2025

Date of Decision : 11.09.2025

HARISH BAJAJ**...Petitioner****VERSUS****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. R.S. Dhillon, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, who was convicted in criminal complaint/NACT No.1941/2017 dated 06.11.2017 titled *Rajinder Vs. Harish Bajaj*, for commission of offence punishable under Section 138 of Negotiable Instruments Act, by the learned JMIC, in terms of order dated 29.10.2019, filed criminal appeal bearing No. 440 of 2019, along with application for suspension of sentence. The same was allowed by the learned First Appellate Court and vide order dated 19.11.2019, the sentence was suspended and petitioner was granted the concession of bail during pendency of the appeal.

In the present petition, petitioner has prayed for setting aside/quashing order dated 24.07.2025 (Annexure P-2) passed by the learned Additional District & Sessions Judge, Fazilka, vide which his (petitioner) bail was cancelled, his bail/surety bonds were forfeited to the State and his presence was sought to be procured through non-bailable warrants. At the same time, notice was also issued to his surety.



2. Petitioner claims that since the filing of the appeal, he had been regularly appearing before the learned Appellate Court. However, on 24.07.2025, on account of serious medical problems, he could not appear before the Court. Resultantly, the impugned order was passed.

3. Learned counsel submits that considering the fact that petitioner had been regularly appearing before the learned Appellate Court, lenient view be taken in his favour, as he is suffering from multiple medical ailments and his absence from the Court, on the date fixed i.e. 24.07.2025 was not intentional. Prayer for setting aside the impugned order has been made.

4. A perusal of the copies of the interim orders, appended along with case file, go to show that the learned First Appellate Court has been very lenient with the petitioner. On multiple occasions, applications for seeking personal exemption from appearing in the Court, moved on behalf of the petitioner, had been allowed. Plea taken by the petitioner that due to medical issues, he could not appear before the Court on 24.07.2025, does not appear to be plausible, for if it was so, he could have moved an exemption application before the Court mentioning the entire facts.

Nonetheless, considering the age of the petitioner, the interest of justice would be served, if the present petition is disposed of with a direction to the petitioner to appear before the Court concerned on or before 18.09.2025. On his appearance, if he moves an application for grant of bail, the same shall be decided expeditiously by the learned trial Court, preferably within 2 days.

(AARADHNA SAWHNEY)
JUDGE

11.09.2025

Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No