



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-M-64031-2024 (O&M)
Date of Decision:- 10.01.2025

DHARMINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

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

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 528 of BNSS, 2023 the petitioner has sought quashing of impugned order dated 13.08.2024 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Kharar, District SAS Nagar, whereby the bail bonds and surety bonds of the petitioner were cancelled and forfeited to the State and non-bailable warrants were issued against the petitioner in case CIS No.NACT No.428/2019 under Section 138 of Negotiable Instruments Act, 1881 titled as '*Bhupinder Singh Versus Dharminder Singh*'.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 19.12.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 02.01.2025 passed by Judicial



Magistrate First Class, whereby the bail bonds and surety bonds of the petitioner were accepted and attested.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 19.12.2024, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and had been summoned in a complaint case titled ‘Bhupinder Singh Versus Dharminder Singh’ bearing CIS No. NACT No.428/2019 wherein the petitioner was granted bail and submits that the petitioner had been regularly appearing in the trial Court on each and every date of hearing without fail, however, on 13.08.2024, neither the petitioner nor his counsel appeared leading to cancellation of his bail and issuance of non-bailable warrants of arrest for 31.08.2024 and now the case is pending before the learned trial Court for 02.01.2025 for the presence of the petitioner in pursuance to the non-bailable warrants. He contends that the absence of the petitioner on 13.08.2024 was not intentional and was on account of the fact that his counsel has wrongly noted the date and due to this reason, neither his counsel could appear nor the petitioner. He submits that in future, the petitioner undertakes to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.

3. Notice of motion.

4. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

5. List on 10.01.2025.

6. In the meanwhile, the petitioner is hereby directed to to appear before the learned Trial Court/Judge on duty within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.”

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



19.12.2024 passed by this Court, the present petition is allowed. The order dated order dated 13.08.2024 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Kharar, District SAS Nagar is set aside and the interim bail granted vide order dated 19.12.2024 is hereby confirmed.

- 7. The petition stands allowed.
- 8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

10.01.2025
S.Sharma(syr)

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