



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

120

Date of decision: 02.01.2025

CRM-M-65505-2024

SAJID ALI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CRM-M-65506-2024

SAJID ALI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Neelam Choudhary, Advocate
for respondent No.2-Complainant.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Since identical issues are involved in both these writ petitions, the same are being disposed of by a common order.

2. Reference to facts and brief is, however, being made from **CRM-M-65505-2024** titled as "***Sajid Ali versus State of Haryana and another***".

3. Challenge in the above petition is to the order dated 07.03.2024 (Annexure P-3) vide which the bail of the petitioner had been cancelled and the bail bonds/surety bonds were ordered to be forfeited to the State and non-

**CRM-M-65505-2024 and CRM-M-65506-2024**

-2-

bailable warrants for production of the petitioner had been issued in Criminal Appeal No. 85 of 2021 instituted on 01.10.2021 against the judgment/order of conviction/sentence dated 07/08.09.2021 passed in Criminal Complaint No. 7234 of 2018 titled as “*Sanjiv Kumar versus Sajid Ali*” under Section 138 of the Negotiable Instruments Act, 1881.

4. Learned Counsel appearing on behalf of the petitioner argues that the petitioner had preferred the aforesaid appeal against the judgment of conviction and order of sentence which came up for hearing on 01.10.2021 before the Additional Sessions Judge, Karnal. The sentence of the petitioner was ordered to be suspended subject to a pre-deposit of 20% of the compensation awarded by the trial Court. The said deposit to the tune of Rs. 7 lakhs was made by the petitioner. Thereafter, the petitioner moved an application for exemption from appearance on 25.01.2023 which was declined and his bail was cancelled. The bail bonds were ordered to be forfeited. Aggrieved thereof, the petitioner approached this Court in CRM-M-43969-2023 which was allowed directing the petitioner to appear before the Appellate Court on 04.09.2023. He submits that during the pendency of the said appeal and on account of certain intervening circumstances as also the confusion that had erupted on account of alteration in the dates, the petitioner could not appear on the date whereby the bail was cancelled yet again and warrants issued vide order dated 07.03.2024. The petitioner approached the Sessions Courts again for grant of bail which was dismissed vide order dated 21.12.2024. Against the same, the petitioner approached this Court by making a specific averment that he had arranged an amount of Rs. 15 lakhs and he is ready to deposit the same in Court which was not accepted by the complainant.



CRM-M-65505-2024 and CRM-M-65506-2024

-3-

5. The matter came up before this Court on 26.12.2024 when the aforesaid contention of the petitioner was noticed alongwith the submission that the balance amount shall also be deposited by the petitioner and that he shall produce the receipt in respect thereof.

6. The case was accordingly adjourned to 30.12.2024. On the said date of hearing, statement of the petitioner was recorded about a deposit of Rs. 15 lakhs (Rs. 7.5 lakhs in each case) in the Court of Duty Magistrate, Karnal and sought time to deposit the balance amount of Rs. 41 lakhs on or before 02.01.2025.

7. Today on the resumed hearing, it has been stated by the Counsel for the petitioner that the balance amount of Rs. 41 lakhs also stands deposited with the Judicial Magistrate, First Class, Karnal vide Treasury Challans dated 01.01.2025 and 02.01.2025.

8. Counsel for the respondents as well as the complainant-respondent No.2 do not dispute the same.

9. In view of the said circumstances, the present petitions are allowed, the order dated 07.03.2024 cancelling the bail and forfeiting the surety of the petitioner are set aside.

10. Needless to mention that the concerned Court would be within its powers to take appropriate decision on the amount which already stands deposited by the petitioner and be admitted to bail on the same surety bonds.

(VINOD S. BHARDWAJ)

JUDGE

JANUARY 02, 2025

Vishal Sharma

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