

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27789-2016 (O&M)

Date of decision: August 11, 2016.

M/s SIFC Logistics Pvt. Ltd., Gurgaon

... **Petitioner**

v.

M/s Metro Filling Station, Gurgaon

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Vishal Garg Narwana, Advocate for the petitioner.

A.B. Chaudhari, J. (Oral):

Heard Learned Counsel for the petitioner.

Learned Counsel for the petitioner submits that he has challenged the order issuing process in this petition, so also the complaint No.138/4521/2015 dated 26.08.2015 titled 'M/s Metro Filling Station versus M/s SIFC Logistics Pvt. Ltd.', under Sections 138/142 of the Negotiable Instruments Act and Sections 420, 406 IPC.

In my opinion, in view of the three Judges Bench judgment of the Supreme Court, remedy of revision is available to the petitioner and, therefore, he should be permitted to file such revision, if so advised. Learned Counsel for the petitioner, however, states that by now in the pending complaint, non-bailable warrants have been issued against the petitioner. Therefore, the petitioner be allowed to appear before the trial Judge and furnish the bail bonds, if non bailable warrants have been issued.

Looking to the entire nature of the matter including the undertaking given by Learned Counsel for the petitioner to appear before the trial court and to furnish bail bonds, I am inclined to stay the non bailable warrants issued against the petitioner and the same are stayed and quashed. As per the undertaking, the petitioner to appear before the trial Judge and furnish bail bonds to the satisfaction of the trial Judge. As earlier stated, liberty is reserved in his favour to challenge the orders issuing process before the revisional court. All points are kept open.

Disposed of.

[**A.B. Chaudhari**]
Judge

August 11, 2016.
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No