

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

CRM-M-41024-2016 (O&M)

Date of decision: 17.11.2016

Vijay Singh Thakur

...Petitioner

Versus

Ramesh

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Sachit Kaushal, Advocate for the petitioner

SNEH PRASHAR, J.

CRM-36091-2016

Allowed as prayed for.

CRM-M-41024-2016

The instant petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of orders dated 30.7.2016 (Annexure P-1) and dated 19.9.2016 (Annexure P2) passed by learned Sub Divisional Judicial Magistrate, Loharu in a complaint case No.137 dated 20.1.2015/13.5.2016 titled "Ramesh vs. M/s Vision Telindia Pvt. Ltd. And anr." vide which warrants of arrest have been issued against the petitioner.

The submissions made by learned counsel for the petitioner have been heard.

It is submitted by learned counsel for the petitioner that the

complaint, which was pending before Metropolitan Magistrate (Negotiable Instruments Act)/ Patiala House Court, New Delhi was received by way of transfer in the Court of Chief Judicial Magistrate, Bhiwani, on 12.5.2016 in compliance of order passed by District and Sessions Judge, Patiala House Court, New Delhi. The Chief Judicial Magistrate then sent the case to the concerned Court i.e. Sub Divisional Judicial Magistrate, Loharu. Learned Magistrate vide order dated 30.7.2016 issued warrants of arrest against the petitioner, whereas the petitioner had been regularly appearing before the Court prior to the transfer of the case from New Delhi to Bhiwani and had no notice of the date fixed before the Court at Loharu.

Perusal of the order dated 30.7.2016 passed by learned SDJM, Loharu indicates that the bail of the petitioner was not cancelled and only warrants of arrest were ordered to be issued. It appears that to procure the presence of the petitioner learned Magistrate straightway issued warrants of arrest instead of issuing notice at the first instance.

In view of the matter, the present petition is disposed of with a direction to the petitioner to appear before learned SDJM, Loharu within seven days from today. On his appearance, he will be admitted to bail subject to his furnishing fresh bail/ surety bonds to the satisfaction of learned trial Court.

17.11.2016
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No