

CRM No. M-6867 of 2016
DECIDED ON: FEBRUARY 26, 2016

SETH PAL

.....PETITIONER

VERSUS

RAJESH SHARMA & ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Jarnail S. Saneta, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated February 05, 2016 (Annexure P-3) passed by learned Sub Divisional Judicial Magistrate, Samalkha vide which, petitioner has been summoned for March 09, 2016 through non bailable warrants issued in criminal complaint No. 17 of 2015 captioned **Rajesh Sharma v. Seth Pal** under Section 138 of Negotiable Instruments Act.

2. A close scrutiny of impugned order transpires that after passing of summoning order petitioner put his appearance before learned trial Court on June 09, 2015 and was released on bail. Subsequent thereto, he appeared on each and every date fixed in the complaint but on February 05, 2016 he could not appear in the Court and an application seeking his exemption from personal appearance was moved before learned trial Court but that was declined, which necessitated the filing of instant petition.

3. No doubt, cases pending before learned trial Court are required to be decided on priority basis but that does not mean to scuttle down the rights of either of the parties.

4. Accordingly, impugned order dated February 05, 2016 is not sustainable in the eyes of law and instant petition is accepted whereby, impugned order dated February 05, 2016 (Annexure P-3) is set aside but with a direction to petitioner to appear in trial Court within 10 days from the date of receipt of certified copy of this order, who shall release him on bail at its satisfaction.

FEBRUARY 26, 2016
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(JASPAL SINGH)
JUDGE