

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-44967 of 2017

Date of Decision: 28.11.2017

M/s Ram Kumar Satish Kumar and Another

... Petitioner(s)

Versus

M/s Raj Kumar & Sons and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Baldev Singh Badhran Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 482 Cr.P.C. for seeking quashing of order dated 6.10.2017, passed by learned Judicial Magistrate Ist Class, Kaithal, whereby bail of accused/petitioner in a case bearing No. 104 dated 17.4.2017 under Section 138 of the Negotiable Instruments Act, 1881 was cancelled on account of his non-appearance on 6.10.2017 before the learned trial Court.

Learned counsel for the petitioner contended that petitioner had been regularly appearing before the learned trial Court and no such application was filed earlier for seeking exemption from personal appearance. On 6.10.2017, circumstances were beyond the control of the petitioner and he had gone out of station and his application for exemption from his personal appearance in the Court was filed but the same was declined, though there was no evidence of the complainant on the date fixed,

which resulted into the passing of impugned order.

In view of the above mentioned facts, the present petition stands allowed and impugned order dated 6.10.2017, passed by the learned Judicial Magistrate Ist Class, Kaithal is set aside. On appearance of the petitioner before the learned trial Court, he is ordered to be admitted on fresh bail on his furnishing fresh bail and surety bonds to the satisfaction of the learned trial Judge. However, the learned trial Judge shall be at liberty to complete the proceedings under Section 446 Cr.P.C.

(Shekher Dhawan)
Judge

November 28, 2017
“DK”

Whether speaking/reasoned	:Yes/No
Whether reportable	: Yes/No