

CRM-M-49224-2019

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

CRM-M-49224-2019

Date of Decision:20.11.2019

Narender Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naresh Dilawari, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (Oral)

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of the impugned order dated 02.05.2019 (now fixed for 09.12.2019) passed by the learned Judicial Magistrate Ist Class, Jind, in complaint case bearing No.NACT/301/2017 dated 30.05.2017, under Section 138 of the Negotiable Instruments Act, titled as 'Raj Kumar Vs. Narender Kumar', whereby bail of the petitioner has been cancelled and his bonds were forfeited to the State and warrant of arrest has been issued against him.

Learned counsel for the petitioner states that the petitioner has been regularly appearing before the trial Court, but somehow, he has noted down the wrong date and could not appear before the trial Court on 02.05.2019. The absence of the petitioner from the court was not

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intentional. The petitioner is ready to surrender before the trial Court and to furnish the fresh bail and surety bonds to its satisfaction.

It is a complaint case and the petitioner is not required for any investigation purposes, rather he is only to face the trial. Therefore, notice in this case is not being issued to the respondents as this would further delay the trial.

Keeping in view the above facts, but without commenting anything upon the merits of the case, the present petition is allowed and the order dated 02.05.2019 is set aside, subject to payment of Rs.10,000/- as costs to be paid to respondent No.2-Raj Kumar (complainant). The petitioner is directed to surrender before the trial Court and make the payment of the aforesaid costs of Rs.10,000/- to respondent No.2, within 15 days from today. On his doing so, he shall be released on bail by the trial Court to its satisfaction. If he fails to comply with the aforesaid directions, then this petition shall be treated as dismissed.

20.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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