

CRM-M-49351-2019

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

CRM-M-49351-2019

Date of Decision: 21.11.2019

Varun Jhamb

... Petitioner

Versus

State of Haryana and another

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manish Soni, 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 setting aside the orders dated 16.08.2019 (Annexure P-4) passed in criminal complaint No.5752 of 2017 dated 29.04.2017, titled as 'M/s Hyco Auto Accessories Pvt. Ltd. Vs. M/s NSJ Automotive Polyplastics & Anr.' (Annexure P-1), filed under Sections 138 and 141 of the Negotiable Instruments Act, 1881, whereby bail of the petitioner has been cancelled and warrant of arrest has been issued against him.

Learned counsel for the petitioner states that the aforesaid complaint was filed on 12.05.2017; that the petitioner was summoned on the same date and that the petitioner had been regularly appearing before the trial Court, but somehow, he has missed the date and could not appear before the trial Court on 16.08.2019. The absence of the petitioner from the court was not intentional. The petitioner is ready to surrender before the trial

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Court and to face the trial.

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 16.08.2019 is set aside. The petitioner is directed to surrender before the trial Court within 15 days from today. On his doing so, the trial Court shall release him on bail, subject to his furnishing bail/surety bonds to its satisfaction, and further subject to his making the payment of Rs.5,000/- as costs to respondent No.2-complainant. If the petitioner fails to surrender before the trial Court within the stipulated period or fails to pay the costs, the instant petition shall stand dismissed, automatically.

21.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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