

In virtual Court

CRM-M-32822-2021 (O&M) and other connected cases

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

Date of decision: 18.08.2021

1. CRM-M-32822-2021 (O&M)

Dinesh Gupta

... Petitioner

Vs.

M/s Kamboj Trading Co.

... Respondent

2. CRM-M-32827-2021 (O&M)

Dinesh Gupta

... Petitioner

Vs.

M/s Kaveri Trading Co.

... Respondent

3. CRM-M-32835-2021 (O&M)

Dinesh Gupta

... Petitioner

Vs.

M/s Saini Trading Co.

... Respondent

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4. CRM-M-32846-2021 (O&M)

Dinesh Gupta

... Petitioner

Vs.

M/s Kisan Trading Co.

... Respondent

5. CRM-M-32943-2021 (O&M)

Dinesh Gupta

... Petitioner

Vs.

M/s Abhishek Trading Co.

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Govind Chauhan, Advocate
for the petitioner (in all cases).

ARVIND SINGH SANGWAN, J.

This order shall dispose of above mentioned five petitions praying for quashing of impugned order dated 15.04.2021 (Annexure P-2), in all petitions, passed by the trial Court, vide which the petitioner was declared a proclaimed person.

Learned counsel for the petitioner submits that the respondent-complainant has filed various complaints under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act') against the petitioner, which are

pending before the learned Judicial Magistrate 1st Class, Yamuna Nagar and the petitioner was appearing before the trial Court through his counsel. It is further submitted that in the meantime, Interim Resolution Professionals were appointed by the National Company Law Tribunal, Chandigarh Bench, Chandigarh in all the cases, exercising the powers under Sections 9 of the Insolvency and the Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 and the resolution was passed.

Learned counsel for the petitioner further submits that on 10.02.2021, though Mr. Harinder Singh, Advocate was appearing on behalf of the petitioner, however, on account of his personal non-appearance, warrants under Section 82(1) Cr.P.C. were issued against the petitioner, for 15.04.2021. It is next submitted that in the meantime, due to COVID-19 situation, District Bar Association, Jagadhri (Yamuna Nagar) passed resolution dated 06.04.2021, vide which work was suspended till 09.04.2021 and thereafter, another resolution dated 09.04.2021 was passed, vide which suspension of work was extended till 19.04.2021, therefore, the petitioner could not appear in person. It is lastly submitted that the petitioner is now ready to appear before the trial Court and apply for fresh bail/surety bonds.

Considering the limited prayer of the petitioner, issuance of notice of motion is dispensed with, to avoid further delay in disposal of the trial.

Accordingly, these five petitions are disposed of, by keeping the impugned order dated 15.04.2021 (Annexure P-2) in abeyance till the time the

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petitioner surrenders before the trial Court and apply for fresh bail.

It is clarified that in case the petitioner appears before the trial Court within a period of 15 days from today, he will be released on bail subject to his furnishing fresh bail/surety bonds to the satisfaction of the trial Court and in that eventuality, the order dated 15.04.2021 shall be deemed to be set aside.

Disposed of, accordingly.

**[ARVIND SINGH SANGWAN]
JUDGE**

18.08.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No