

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42507-2021(O&M)

Date of decision : 29.03.2022

Shailendra Pratap Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Pratham Sethi, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr.Rahul Rathore, Advocate
for applicant-respondent no.2.

VIKAS BAHL, J.(ORAL)

CRM-7659-2022

This is an application under Section 482 Cr.P.C. filed by respondent no.2. with the prayer for preponing the date of hearing in the main petition.

Learned counsel for the applicant-respondent no.2 has submitted that he has no objection in case the impugned order is set aside because on account of the pendency of the present petition, the matter is being adjourned.

Learned counsel for the petitioner as well as the learned State counsel have stated that they have no objection in the case the present application is allowed.

In view of the above and no objection of learned counsel for

the petitioner and learned State counsel, the present application is allowed and the main petition is taken on Board today itself.

CRM-M-42507-2021(O&M)

This is a first petition under Section 482 Cr.P.C. with a prayer seeking quashing of arrest warrants issued vide order dated 23.09.2021 passed by the Additional Sessions Judge, Karnal, in CRA-687-2019 titled as “Shailendra Pratap Singh vs. Kusum Lata Chaudhary” arising out of complaint no.2380/2018 dated 17.05.2018 under Section 138-B of the Negotiable Instrument Act, 1881.

On 08.10.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the matter was not being taken up on account of COVID-19 pandemic and the first effective date before the trial Court was 23.09.2021 on which date the petitioner had moved a specific application for exemption from personal appearance on the ground that he was suffering from fever. However, the Additional Sessions Judge, Karnal had cancelled the bail of the petitioner and the bail bonds and surety bonds were forfeited to the State and the warrants of arrest were issued for 11.10.2021. He has further submitted that the petitioner will appear on 11.10.2021.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of respondent No.1-State and seeks time to get instructions.

Adjourned to 24.11.2021.

In the meantime, subject to the petitioner appearing on 11.10.2021 before the Additional Sessions Judge, Karnal, the operation of the impugned order dated 23.09.2021 (Annexure P-6) shall remain stayed.

**(VIKAS BAHL)
JUDGE”**

08.10.2021

Learned counsel for the complainant-respondent no.2 has

stated that in pursuance of the said order, the petitioner has appeared on

11.10.2021 and has furnished his bail bonds. It is further submitted that the trial Court has been adjourning the matter for awaiting the order passed by this Court. It is further submitted that the complainant-respondent no.2 has no objection in case the impugned order is set aside but however, request has been made for expeditious decision of the appeal as the case is a case which arises out of conviction under Section 138 N.I. Act.

Keeping in view the above said facts and circumstances moreso, the fact that as per respondent no.2, the petitioner has appeared on 11.10.2021 and furnished his bail bonds, the present petition is allowed and the order dated 23.09.2021 (Annexure P-6) is set aside.

In view of the fair stand taken by respondent no.2 and also in view of the fact that complaint under Section 138 N.I. Act was instituted on 17.05.2018 and the order of conviction was passed on 17.10.2019 and the appeal is of the year 2019, the appellate Court is requested to decide the case as expeditiously as possible and preferably within a period of 6 months from the date of receipt of certified copy of the present order.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

March 29, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No