

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

**CRM-M-2820-2022 (O&M)
Date of decision : 24.01.2022**

Rajesh Kumar

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amit Khari, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG Haryana.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 30.09.2021 (Annexure P-1) passed by the Judicial Magistrate First Class, Ambala in COMA No.977 dated 05.06.2017 under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner would contend that the petitioner could not attend the proceedings on 30.09.2021 as he had developed Covid like symptoms and had got himself tested for Covid, the petitioner was advised to quarantine himself till the report was received. Learned counsel for the petitioner would further contend that due to mis-communication, the application for personal exemption could not be filed and the bail of the petitioner was cancelled. He would further contend that the petitioner is ready to surrender before the Trial Court and join the proceedings.

Notice of motion.

On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana, accepts notice on behalf of the State.

Heard.

In view of the above, I deem it appropriate to dispose off the present petition with a direction that the petitioner shall surrender before the Trial Court/Duty Magistrate concerned within a period of seven days from the date of receipt of a certified copy of this order and shall join the proceedings and in case he does so and files an application for grant of bail, the Trial Court/Duty Magistrate concerned shall release him on bail subject to its satisfaction. It shall be open to the Court concerned to impose any such condition upon the petitioner which it deems fit to ensure that no further default of appearance is committed.

Disposed off accordingly.

24.01.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO