

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

125-A

CRM-M-2307-2023

Date of decision : 16.01.2023

Gaurav Gite

Petitioner

V/S

Union Terrigory, Chandigarh and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Arun Singla, Advocate for the petitioner.

Ms. Samsi Dhir, Addl. Public Prosecutor
for respondent No.1-U.T. Chandigarh.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of order dated 14.12.2022 passed by learned Judicial Magistrate First Class, Chandigarh in complaint No.NACT-17673-2019 titled as 'Commando Caterers Pvt. Ltd. Vs. Sky High Dinner LLP (SHD)' registered under Section 138 of the Negotiable Instruments Act, 1881 whereby the application for exemption from personal appearance of the petitioner was rejected and bail/surety bonds of the petitioner was cancelled and forfeited.

I have heard learned counsel for the parties and gone through the impugned order of the Court below and this Court is inclined to give one chance to the petitioner subject to the condition that the petitioner shall file an affidavit in the trial Court on the next date clearly stating that he shall not seek adjournments on flimsy grounds and shall seek exemption only when the circumstances are beyond his control and also subject to payment costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Chandigarh.

Given above, the impugned order is quashed and set aside.

Bail bonds are restored subject to the petitioner appearing before the concerned Court on 18.01.2023. It is clarified that failure to put in appearance on 18.01.2023, shall ipso facto result in recalling of this order under Sections 362 Cr.P.C. read with Section 482 Cr.P.C.

Petition is allowed in the above terms.

16.01.2023

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No