

In the High Court for the States of Punjab and Haryana at  
Chandigarh

**Date of Decision:** *February 20, 2023*

**1. CRM-M-22816-2021**

M/s Kay Ess Engineering Corporation & Anr.

*... Petitioners*

Versus

State of Punjab and another

*... Respondents*

**2. CRM-M-22838-2021**

M/s Kay Ess Engineering Corporation & Anr.

*... Petitioners*

Versus

State of Punjab and another

*... Respondents*

**3. CRM-M-22840-2021**

M/s Kay Ess Engineering Corporation & Anr.

*... Petitioners*

Versus

State of Punjab and another

*... Respondents*

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Naveen Bawa, Advocate,  
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

None for respondent No.2.

**Vivek Puri, J.**

The petitioners are seeking to quash the orders  
dated 16.01.2020 (Annexure P-3 in CRM-M-22816-2021),

15.10.2019 (Annexure P-3 in CRM-M-22838-2021 and CRM-M-22840-2021).

The aforesaid three petitions have been listed together for hearing as the same have been filed by the same petitioners. As such, the afore-mentioned three petitions are being decided by a common judgment.

On 05.07.2021, the following order was passed in CRM-M-22816-2021:-

*“The petitioners have sought quashing of order dated 16.01.2020(Annexure P-3) whereby petitioner No.1/Firm through petitioner No.2 has been declared as proclaimed person in a complaint preferred under Section 138 of the Negotiable Instruments Act for a cheque amounting to Rs.1,25,000/-.*

*Learned counsel for the petitioners contends that the impugned order has been passed in violation of Section 82 of the Cr.P.C. as petitioner No.2 was not served at the address he was residing. He has referred to the address mentioned in the copy of the passport of petitioner No.2 at Annexure P-5. He also contends that he shall seek instructions if the matter can be compromised with the complainant.*

*Issue notice to the respondents, returnable on 11.08.2021.*

*In the meantime, petitioner No.2 shall appear before the trial Court and on his doing so, he shall be released on interim bail on his*

*furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate.”*

On 05.07.2021, the following order was passed in CRM-M-22838-2021:-

*“The petitioners have sought quashing of order dated 15.10.2019 (Annexure P-3) whereby petitioner No.1/Firm through petitioner No.2 has been declared as proclaimed person in a complaint preferred under Section 138 of the Negotiable Instruments Act for a cheque amounting to Rs.1,00,000/-.*

*Learned counsel for the petitioners contends that the impugned order has been passed in violation of Section 82 of the Cr.P.C. as petitioner No.2 was not served at the address he was residing. He has referred to the address mentioned in the copy of the passport of petitioner No.2 at Annexure P-5. He also contends that he shall seek instructions if the matter can be compromised with the complainant.*

*Issue notice to the respondents.*

*In the meantime, petitioner No.2 shall appear before the trial Court and on his doing so, he shall be released on interim bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate.*

*To be heard along with CRM-M-22816-2021 on 11.08.2021.”*

On 05.07.2021, the following order was passed in CRM-M-22840-2021:-

*“The petitioners have sought quashing of order dated 15.10.2019 (Annexure P-3) whereby petitioner No.1/Firm through petitioner No.2 has been declared as proclaimed person in a complaint preferred under Section 138 of the Negotiable Instruments Act for a cheque amounting to Rs.2,00,000/-.*

*Learned counsel for the petitioners contends that the impugned order has been passed in violation of Section 82 of the Cr.P.C. as petitioner No.2 was not served at the address he was residing. He has referred to the address mentioned in the copy of the passport of petitioner No.2 at Annexure P-5. He also contends that he shall seek instructions if the matter can be compromised with the complainant.*

*Issue notice to the respondents.*

*In the meantime, petitioner No.2 shall appear before the trial Court and on his doing so, he shall be released on interim bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate.*

*To be heard along with CRM-M-22816-2021 on 11.08.2021.”*

As per office report, the service is complete, but none has appeared on behalf of the respondent no.2.

Learned counsel for the petitioners contend that in pursuance of the interim directions, the petitioner no.2 has surrendered before the learned trial Court and has been released on interim bail.

Keeping in view the fact that the petitioner no.2 has surrendered in the trial Court, the impugned orders are set aside with a direction to the petitioners to move an application for regular bail before the learned trial Court, within a period of two weeks and the same be disposed of in accordance with law. However, it is further directed that the arrest of the petitioner shall not be effected till the disposal of the bail application and for a period of two weeks thereafter in the event of dismissal of the bail application.

All the three aforementioned petitions are disposed of.

**February 20, 2023**

*vk*

**(Vivek Puri)**  
**Judge**

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |