

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

**CRM-M-20882 of 2023
Date of Decision:27.04.2023.**

Suman Jindal and another

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

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

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition is to quash order dated 03.03.2023 (Annexure P-2), passed by the learned Judicial Magistrate Ist Class, Ludhiana, vide which bail of the petitioners was cancelled on account of their non-appearance in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 and, bail bonds/surety bonds were cancelled and forfeited and non-bailable warrants were issued to procure their presence.

2. Learned counsel for the petitioners, at the outset, submits that no proclamation proceedings have been initiated on 01.04.2023. He further submits that they are willing to appear before the Court but they apprehend that the moment they appear they may be taken into custody. Learned counsel also undertakes that the petitioners shall appear before the trial Court regularly and shall not seek any exemption in future.

3. The apprehension expressed by learned counsel for the petitioners is unfounded as the purpose of issuing non-bailable warrants of arrest in such cases, is only to procure the presence of the petitioners. However, the petitioners are

bound to appear before the trial Court on the dates fixed and as noticed by the trial Court, their absence on previous dates is totally unjustified.

Keeping in view the undertaking given by learned counsel for the petitioners today in the Court, the present petition is disposed of with a direction that in case, the petitioners appear before the trial Court within a period of one week from today and file an application for bail, they shall be released on bail. This is, however, subject to, depositing of costs of Rs.5,000/- to be paid to the complainant in the Court of learned Judicial Magistrate Ist Class, Ludhiana on the date fixed. It is also made clear that in case the petitioners absent themselves from the proceedings on any subsequent date, the trial Court would be free to initiate action in accordance with law.

(VIKRAM AGGARWAL)
JUDGE

April 27th, 2023
Rekha

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*