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

CRM-M-57347-2022 (O&M)

Date of Decision: 18.01.2023

KAMAL KANT DEWAN

....Petitioner

Versus

M/S YATHARATH TRADING COMPANY AND ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Aditya Grover, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C for setting aside of the order dated 09.11.2022 passed by the learned CJID/JMIC, Patti, in the complaint No.NACT-402-2017, dated 22.08.2017 and quashing the non-bailable warrant of arrest issued against the petitioner.

Status report by way of affidavit dated 18.01.2023 of Preetinder Singh, PPS, Deputy Superintendent of Police, Sub Division Valtaha, Camp at Bhikhiwind, District Tarn Taran has been filed on behalf of respondent No.3/State in the Court today. The same is taken on record, subject to all just exceptions.

On 09.12.2022, the following order was passed:-

“Inter alia contends that on 09.11.2022, the petitioner could not appear as he was not keeping good health and had moved an application for exemption. It is further contended that since the petitioner had, on earlier occasions also sought adjournments on several dates and therefore, in order to compensate the complainant, the petitioner, without admitting his liability, is ready to pay an amount of Rs.30,000/- to the complainant and the petitioner

undertakes that he would appear before the trial Court within a period of three weeks from today and also on each and every date, unless his personal appearance is specifically exempted by the trial Court.

Notice of motion for 18.01.2023.

In the meantime, the operation of impugned order shall remain stayed.

In case, the petitioner appears before the trial Court within a period of three weeks from today, then he would be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of the trial Court and also subject to the petitioner depositing an amount of Rs.30,000/- before the trial Court within the said period and the trial Court is directed to release the said amount to the complainant.

It is made clear that in case, the said amount of Rs.30,000/- is not deposited within a period of three weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the abovesaid amount of Rs.30,000/- would not be construed as an admission of guilt by the petitioner.

It is clarified that the said amount of Rs.30,000/- is only on account of delay caused for non-appearance of the petitioner and the same would not be a part of any compensation or any order which may be passed by the Court under Section 143-A of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that in pursuance to the above-said order, the petitioner has appeared before the trial Court concerned and has been admitted to bail and the said fact is not disputed by State counsel.

In view of the above-said submission made by the learned counsel for the petitioner, the instant petition is allowed and the interim order dated 09.12.2022 passed by this Court is made absolute.

The petition is accordingly disposed of.

18.01.2023

Amandeep

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(HARSH BUNGER)
JUDGE