

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(133)

CRM-M-56599-2023

DATE OF DECISION:-. 09.11.2023

AMARJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Renu Arora, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has approached this Court for quashing of impugned order dated 20.10.2023, Annexure P-2, passed by the learned Judicial Magistrate in a complaint instituted under Section 138 of the Negotiable Instruments Act, 1881 titled as "*Kulwinder Kaur Versus Amarjit Singh*".

2. Counsel for the petitioner submits that the petitioner was summoned as an accused in complaint, Annexure P-1, and upon his surrender, he was released on bail. By referring to the interim orders passed by the Trial Court, she submits that the petitioner has been regularly appearing before the Trial Court, but due to miscommunication of the date, he could not appear on 20.10.2023, when the impugned order was passed and his bail, bail/surety bonds were cancelled and forfeited to the State. Counsel submits that the inadvertence in appearance is because

of miscommunication and the petitioner is prepared to surrender before the Trial Court and deposit any reasonable cost as this Court may impose.

3. Given the nature of prayer made by the counsel for the petitioner, this Court does not deem it appropriate to call upon the respondents.

4. As the petitioner is prepared to surrender before the Trial Court and join the proceedings, it is directed that in case the petitioner surrenders before the Trial Court on or before 30.11.2023, the next date before the Trial Court, he shall be released on bail on furnishing fresh bail/surety bonds to the satisfaction of the learned Judicial Magistrate. Petitioner shall also be at liberty to move an appropriate application for the withdrawal of the non-bailable warrants as well as impugned order. This will be subject to deposit of cost of Rs.20,000/- with the Poor Patient Welfare Fund, PGIMER, Sector 12, Chandigarh. The receipt of deposit shall be furnished by the petitioner before the Trial Court on his surrender.

5. With the above direction, petition is disposed of.

(SUVIR SEHGAL)
JUDGE

09.11.2023
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No