

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.4813 of 2024
Date of Decision: 30.01.2024

NISHU GUPTA ALIAS ALOK GUPTA

.....Petitioner(s)

Vs

STATE OF PUNJAB AND ANR

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Abhivadya Sood, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 18.01.2024 passed by the Judicial Magistrate Ist Class, Sangrur, whereby non-bailable warrants have been issued against the petitioner.

[2]. In pursuance of a summoning order passed by the Trial Court in terms of Section 138 of the Negotiable Instruments Act, the petitioner having been granted bail was participating in the proceedings. On 18.01.2024, on account of certain family commitments, he sought exemption from appearance by moving an application in this regard, however, the same was declined by the Trial Court followed by issuance of non-bailable warrants against him.

[3]. Impugning the aforesaid order dated 18.01.2024, learned counsel for the petitioner submits that the prayer for exemption from appearance was bona fide on the part of petitioner, but never intended to evade the process of law. Learned

counsel also submits that the petitioner shall continue to appear before the Trial Court for all hearings except exemptions specifically granted by the Court concerned.

[4]. I have heard learned counsel for the parties and gone through the paper book.

[5]. Considering the aforesaid stands taken by learned counsel for the petitioner, this petition is allowed. The order dated 18.01.2024 passed by the Judicial Magistrate Ist Class, Sangrur is hereby set aside with a direction to the petitioner to appear before the Trial Court on or before the next date of hearing and furnish his bail bonds/surety bonds to the satisfaction of the Trial Court. The petitioner shall also file an affidavit that he will appear on each and every date of hearing except in case of the exemptions specially granted by the Court concerned.

[6]. The aforesaid order, however, shall be subject to payment of cost(s) of Rs.5,000/- (Rupees Five thousand only) to be deposited with the District Legal Services Authority, Sangrur. Till then, no coercive steps be taken against the petitioner.

January 30, 2024
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No