

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

**CRM-M No. 6797 of 2024 (O&M)
Date of Decision: 09.02.2024**

Pooja Chalana and another
..... Petitioners

Versus

The State of Punjab and another
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present petition filed under Section 482 Cr.P.C., seek quashing of the order dated 18.01.2024 (Annexure P-1) passed by the learned Judicial Magistrate Ist Class, Sangrur, in a complaint case bearing No. NACT-820-2021 dated 30.07.2021, whereby non-bailable warrants have been issued against them.

[2] In the present case, in pursuance of a summoning order passed by the Trial Court in terms of Section 138 of the Negotiable Instruments Act, the petitioners having been granted bail were participating in the proceedings. On 18.01.2024, on account of certain family commitments, they 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 them.

[3] Impugning the aforesaid order dated 18.01.2024, learned counsel for the petitioners 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 petitioners 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 petitioners, this petition is **allowed**. The order dated 18.01.2024 (P-1) passed by the Judicial Magistrate Ist Class, Sangrur is hereby set aside with a direction to the petitioners to appear before the Trial Court on or before the next date of hearing and furnish their fresh bail bonds/surety bonds to the satisfaction of the Trial Court and till then, no coercive steps shall be taken against them. The petitioners shall also file an affidavit that they 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 costs of Rs.5,000/- to be deposited by the petitioners with the District Legal Services Authority, Sangrur.

February 09, 2024

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>