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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9835-2024 (O&M)
Date of decision: 28.02.2024

Sandeep Nijhara ...Petitioner

Versus

Harender Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mayur Karkra, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner/accused seeking quashing of impugned orders dated 22.12.2023 and 19.01.2024 passed by the Court of Sub Divisional, Judicial Magistrate, Narwana in a criminal complaint NACT-20-2022 titled Harender Singh Vs. Sandeep Nijhara.
2. Counsel for the petitioner inter alia submits that on 22.11.2023, the petitioner failed to appear in person before the learned trial Court due to some mis-information provided by his counsel but an application was moved on behalf of the petitioner seeking his personal exemption but the same was disallowed by the trial Court and the bail bonds/surety bonds of the petitioner were cancelled and he was directed to be summoned through warrants of arrest for 19.01.2024. Even on 19.01.2024, as the nonailable warrants of arrest were received back un-executed, the petitioner was

directed to be summoned again through fresh nonailable warrants of arrest for 29.02.2024. Counsel for the petitioner submits that the absence of the petitioner before the learned trial Court on the concerned date was not intentional and the trial Court acted in a hasty manner and dismissed the application moved on behalf of the petitioner seeking exemption of his personal appearance and passed the impugned order. It is further submitted that this was the first default on the part of the petitioner and in future, the petitioner will remain careful in this regard.

3. Admittedly, the offence under Section 138 NI Act isailable offence.

4. In view of the above, the present petition is hereby disposed of without issuance of notice to respondent and further without expressing any opinion on the merits of the case, in order to avoid any further delay in the trial, with direction to the petitioner to appear before the trial Court on or before the next date fixed in the learned trial Court and on his doing so, the petitioner is directed to be released on regular bail by the said Court subject to costs of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

5. The present petition is disposed of in aforesaid terms.

6. Pending application, if any, stands disposed of.

28.02.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No