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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17115-2024
Date of decision: 08.04.2024

Rajiv Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Harjinder Singh, Advocate for the petitioner.

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KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for quashing of order dated 14.03.2024 Annexure P-3 passed by the Court of Judicial Magistrate, Ist Class, Jalandhar in a criminal complaint titled as Nirdosh Kumar Vs. Rajiv Sharma and others under Section 138 NI Act whereby the petitioner was directed to be summoned through non bailable warrants of arrest for 18.04.2024 on account of his absence before the trial Court on the date fixed.

2. Counsel for the petitioner submits that the allegations made in the aforesaid criminal complaint are false and on the basis of summoning order, the petitioner appeared before the trial Court and was granted bail as offence under Section 138 NI Act is bailable offence. Thereafter, the petitioner was regularly attending the trial Court but got absented on 14.03.2024 due to noting down of wrong date. It is further submitted that absence of the petitioner on 14.03.2024 was not intentional and even now

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the petitioner is ready to join the proceedings before the trial Court at the earliest.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab accepts notice on behalf of the State and submits that the present petition is relating to private criminal complaint lodged by one Nirdosh Kumar against the petitioner under Section 138 NI Act wherein the petitioner jumped the bail and resultantly impugned order Annexure P-3 is passed by the trial Court.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, offence under Section 138 NI Act is bailable.

7. In light of the above, without expressing any opinion on the merits of the case, the present petition is disposed of with direction to the petitioner to appear before the trial Court on or before the next date fixed in trial and on his doing so, the petitioner is to be released on regular bail by the said Court to its own satisfaction subject to cost of Rs.5,000/- to be deposited by the petitioner with District Legal Services Authority concerned.

08.04.2024 **(KARAMJIT SINGH)**
Yogesh **JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No

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