

CRM-M-24584-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24584-2024
Date of decision: 16.05.2024

Hetram

...Petitioner

Versus

State of Haryana and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.P. Jangu, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of order dated 26.02.2024 passed by the Court of Chief Judicial Magistrate, Narnaul (Annexure P-2) whereby the bail bonds/surety bonds of the petitioner were cancelled and he was directed to be summoned through warrants of arrest on account of his absence and order dated 26.02.2024 whereby the said Court has initiated proclamation proceedings against the petitioner in a criminal complaint No.NACT-325-2017 titled M/s MSN Int. Bhatta Vs. Hetram.

2. Counsel for the petitioner submits that prior to passing of order Annexure P-2, the petitioner was granted regular bail vide order dated 07.11.2023. That thereafter, the petitioner who is a government servant was regularly appearing before the trial Court but due to some unavoidable circumstances, failed to attend the Court on 26.02.2024 and consequently, impugned order Annexure P-2 was passed by the trial Court in a hasty manner, without taking into consideration, the fact that this was first

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default on the part of the petitioner. Counsel for the petitioner further submits that the petitioner is ready to settle the dispute with respondent No.2 by making him payment of entire cheque amount worth Rs.1 lac at the earliest and is ready to appear before the trial Court to do the needful without any delay.

3. Notice of motion.

4. Mr. Neeraj Sheoran, DAG, Haryana, accepts notice on behalf of the State and submits that earlier also petitioner agreed to settled the dispute by making of payment with regard to disputed cheques but failed to keep his promise.

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

6. Admittedly, the offence under Section 138 NI Act is a bailable offence and the petitioner has showed his intention to settle the dispute in an amicable manner by making payment of the cheque amount of Rs.1 lac.

7. In the given circumstances, the present petition is hereby disposed of without expressing any opinion on the merits of the case with direction to the petitioner to appear in the trial Court within next 10 days and on his doing so, the petitioner is directed 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 the District Legal Services Authority concerned.

16.05.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No