



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

CRM-M-28540-2024

DECIDED ON: 30.05.2024

VASUNDHRA GUPTA

.....PETITIONER

VERSUS

K.K ENTERPRISES

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh K. Sheoran, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for setting aside the impugned order dated 07.02.2024 and 29.04.2024 (Annexures P-3 & P-4) passed by learned JMIC, Hisar in criminal complaint No.NACT/874/2019 titled as K.K. Enterprises versus Aesthetic Stone Arts India Pvt. Ltd.", dated 04.04.2019 under Section 138 of NI Act whereby non-bailable warrants have been issued against the petitioner on account of default of appearance and bail granted to the petitioner has been cancelled along with all subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that on 07.02.2024 the petitioner had filed exemption application from personal appearance as she had gone out of station for some urgent work, however, the same was declined and the bail bonds of the petitioner stands cancelled and forfeited to the State and she was summoned through non-bailable warrants for 06.03.2024. On that day, learned JMIC was on casual leave so the case was

taken up on 05.03.2024 and the same was adjourned to 18.03.2024. Thereafter, on 18.03.2024, non-bailable warrants issued against the petitioner received back unexecuted and fresh non-bailable warrants were issued against her for 22.04.2024 and on that very day, the learned JMIC was again on leave and the case was taken up on 20.04.2024 and was further adjourned to 29.04.2024. On 29.04.2024, non-bailable warrants issued against the petitioner received back unexecuted and fresh non-bailable warrants were again issued for 31.05.2024 along with fresh notice to the surety.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court/Duty Magistrate, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and the petitioner needs to compensate the complainant for the same and for that reason, she is directed to deposit costs of Rs.10,000/- which shall be

paid to the complainant before the trial Court at the time of surrender by the petitioner.

The instant petition is disposed of in the aforesaid terms.

30.05.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No