



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

**CRM-M-28590-2024
DECIDED ON: 30.05.2024**

M/S RAM SARAN DAS RAM NIWAS AND ANR.

.....PETITIONERS

VERSUS

STATE OF UT CHD. AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohit Sadana, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking quashing of order dated 13.05.2024 passed by JMIC, Chandigarh (Annexure P-9) in NACT No.5670 of 2022, titled as M/s Torque Pharmaceuticals P. Ltd. Versus M/s Ram Saran Das Ram Niwas etc.” pending before the learned Court of Judicial Magistrate Ist Class, Chandigarh with all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that on 13.05.2024, the complaint was at the stage of recording of statement under Section 313 Cr.P.C. and petitioner No.2 telephonically informed to his counsel about his ill health and accordingly, the counsel filed an exemption application from his personal appearance along with medical record, which was rejected by the learned trial Court and directed petitioner No.2 to appear in Court for recording of his statement but he could not reach to the Court in time. On that day, due to non-appearance of petitioner No.2 as well as his counsel, his

bail stands cancelled and bail/surety bonds were forfeited to the State and his non-bailable warrants were issued for 30.05.2024.

He undertakes that petitioner No.2 will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

In view of the above, petitioner No.2 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 petitioner No.2 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 petitioner No.2 does not abide by the aforesaid undertaking, the respondent/State 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 the act of petitioner No.2, delay has occurred in trial proceedings and has caused prejudice to the other side and petitioner No.2 needs to compensate the complainant for the same and for that reason, he 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 petitioner No.2.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

30.05.2024
Poonam Negi

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No