



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30493-2024

Date of Decision: June 25, 2024

SIDHARTH JAIN AND ANOTHERPetitioners
Versus
STATE OF HARYANA AND ANOTHERRespondents

CRM-M- 30496-2024

SIDHARTH JAIN AND ANOTHERPetitioners
Versus
STATE OF HARYANA AND ANOTHERRespondents

CRM-M- 30497-2024

SIDHARTH JAIN AND ANOTHERPetitioners
Versus
STATE OF HARYANA AND ANOTHERRespondents

CRM-M- 30522-2024

SIDHARTH JAIN AND ANOTHERPetitioners
Versus
STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.K. Tripathi, Advocate for the petitioners.

HARKESH MANUJA, J. (ORAL)

Vide this common order, aforementioned four petitions are being disposed of as similar orders have been challenged in all the four petitions. For convenience, facts are being drawn from CRM-M-30493-2024.

2. By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of the orders dated 13.09.2023, 03.02.2024 and 14.05.2024 passed by the Court of learned Judicial Magistrate First Class, Gurugram vide which non-bailable warrants were issued against the petitioners in a complaint filed under Section

138 of Negotiable Instruments Act, 1881 at the instance of respondent No.2.

3. Learned counsel for the petitioners *inter alia* submits that non-appearance of the petitioners before the trial Court on the date fixed was unintentional and due to a communication gap between them and their counsel who duly put in appearance before the Court concerned. He further submits that petitioners never intended to avoid the proceedings and desired to put in appearance.

4. Notice of motion.

5. Mr. Viney Phogat, DAG, Haryana accepts notice on behalf of respondent No.1.

6. At this stage, it may not be essential to summon respondent No.2 as it may delay the proceedings in the present petition as well as in the complaint and may also burden respondent No.2 with unnecessary litigation cost.

7. I have heard learned counsel for the parties and gone through the paper-book.

8. A perusal of record shows that on 13.09.2023, the counsel on behalf of petitioners appeared before the Court concerned, however, on account of non-appearance of petitioners, non-bailable warrants were issued against them. In such circumstances, the cause put forth by the petitioners for their non-appearance being on account of communication gap between them and their counsel appears to be bona fide. Furthermore, the petitioners are willing to submit themselves before the jurisdiction of the Court concerned and also volunteer to compensate the complainant-respondent No.2. In addition, the

appearance of petitioners before the trial Court is even going to further the cause of respondent No.2-complainant. In such circumstances, the impugned orders dated 13.09.2023, 03.02.2024 and 14.05.2024 passed by the Court of learned Judicial Magistrate First Class, Gurugram are hereby set aside subject to petitioners putting in appearance before the trial Court within a period of 15 days from today and also subject to deposit of Rs.40,000/- in each case towards delay caused by them in the proceedings before the trial Court.

9. The cost of Rs.40,000/- shall be deposited at the time of appearance by the petitioner which shall be immediately transmitted to respondent No.2-complainant on due verification by the Court concerned.
10. In the meanwhile, no coercive steps be taken against the petitioners.
11. Accordingly, the present petition stands disposed of.
12. A photocopy of this order be placed on connected case files.

25.06.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No