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CRM-M-32773-2024

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2024-P11102106810



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32773-2024

Date of decision: 20.08.2024

SURINDER PAL SINGH

....Petitioner

Versus

SARBJEET SINGH

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Shivya Sehgal, Advocate for the petitioner.

None for the respondent.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 07.05.2024 (Annexure P-10) passed by learned Judicial Magistrate First Class, Ludhiana, whereby non-bailable warrants of the petitioner had been issued.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 16.07.2024, petitioner appeared before the learned trial Court on 22.07.2024 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 22.07.2024 passed by learned Judicial Magistrate First Class, Ludhiana. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 07.05.2024 (Annexure P-10) passed by learned Judicial Magistrate First Class,



Ludhiana, whereby non-bailable warrants of the petitioner had been issued, be quashed.

3. Since service to respondent is not effected, the presence of the respondent is dispensed with.

4. Heard.

5. During the course of the proceedings, following order was passed on 16.07.2024:-

1. By way of present petition, the petitioner has sought quashing of the impugned order dated 07.05.2024 (Annexure P-10) passed by learned Judicial Magistrate First Class, Ludhiana, whereby non-bailable warrants of the petitioner has been issued.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner had been summoned to face trial for offence punishable under Section 138 of the Negotiable Instruments Act in complaint filed by the respondent titled 'Sarabjeet Singh V/s Surinder Pal Singh' bearing No. COMA-45384-2022 dated 30.09.2022, wherein the petitioner had put in appearance, however, when the case was pending for 01.03.2024, the petitioner could not appear in Court due to his medical ailment and moved an application seeking exemption accompanied with the medical certificate, copy of the application along with medical certificate has been placed on record today by learned counsel for the petitioner. She submits that despite the medical certificate being annexed, the learned trial Court declined the request and ordered the petitioner to be summoned through bailable warrants and adjourned the matter for 07.05.2024. She contends that vide order dated 07.05.2024 (Annexure P-10) despite bailable warrants being received back unexecuted, without there being any justifiable reasons, the learned Magistrate proceeded to issue non-bailable warrants of arrest against the petitioner. She further contends that the absence of the petitioner was not intentional but due to he being suffering from heart and multiple other ailments. She submits that the learned Magistrate passed the impugned order mechanically without considering the facts and circumstances of the case and the petitioner is ready to appear in the trial Court and face the trial and undertakes to appear regularly in Court on each and every date of hearing.



3. *Notice of motion for 20.08.2024.*
4. *Dasti as well.*
5. *In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate, subject to deposit of cost of Rs.5,000/- in the District Legal Services Committee, Ludhiana. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency will he seek prior exemption from the Court in accordance with law.”*
6. Keeping in view the fact that the petitioner has already appeared on 22.07.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 16.07.2024, passed by this Court, the present petition is allowed and order dated 07.05.2024 (Annexure P-10), passed by learned Judicial Magistrate First Class, Ludhiana, whereby non-bailable warrants of the petitioner had been issued is hereby set aside and the interim bail granted vide order dated 16.07.2024 is hereby confirmed.
7. The Petition stands disposed of.

20.08.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |