



126

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

**CRM-M-34113-2024
DATE OF DECISION: 22.07.2024**

PAYAL ALIAS HARMAN ...PETITIONER

Versus

STATE OF HARYANA AND ANR ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Rajneesh Budhiraja, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for seeking quashing/setting aside of the order dated 07.03.2024 passed by JMIC, Kaithal in complaint under Section 138 of NI Act bearing No. NACT/1332/2018 vide which the bail granted to the petitioner stands cancelled and warrants of arrest were issued and bail bonds and surety bonds were ordered to be forfeited to State and now proclaimed offender proceedings have been initiated vide order dated 22.05.2024 which is now fixed for 19.07.2024.

Learned counsel for the petitioner submits that under the pretext that compromise has been entered into with the complainant subsequently resiled from the same which resulted into his absence before the Trial Court on 07.03.2024. Apart from that, it is also asserted that petitioner was unable to attend the Court on 07.03.2024 only because of wrong date noted by the petitioner and non-bailable

**CRM-M-34113-2024****-2-**

warrant has been issued against the petitioner. He further points out that as per terms of 2nd compromise deed dated 22.03.2024, the petitioner was assured by respondent No.2/complainant that he will withdraw the said case on the next date of hearing but till date complaint has not been withdrawn and the complainant is failed to fulfill this condition. It is in that light, order dated 07.03.2024 was passed whereby warrants of arrest were issued but remain unexecuted. Subsequently, on the next date i.e. 22.05.2024, the presence of the petitioner was secured through proclamation for 19.07.2024 and now the case is fixed for 30.07.2024.

Learned counsel for the petitioner submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as



CRM-M-34113-2024

-3-

enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week 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, 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/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

22.07.2024
anuradha

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