



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

130

**CRM-M-33542-2024  
Date of decision: 18.07.2024**

Baby Mall

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Jasinder S. Sekhon, Advocate for the petitioner.

\*\*\*\*\*

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking quashing of order dated 16.09.2022 (Annexure P-4) passed by learned Trial Court, whereby she was declared a proclaimed person in Complaint Case No.NACT/761/2018 titled as 'Karamjit Kaur Vs. Baby' under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel submits that a compromise was arrived at between the parties wherein it was agreed that respondent No.2-complainant would withdraw the case filed against the petitioner as per terms and conditions settled, however, the complainant had failed to adhere to the terms and conditions after receiving an amount of Rs.70,000/- from the petitioner. Learned counsel submits that the petitioner, who is a lady, was clueless about the complainant not withdrawing the complaint in question and that was one of the reasons why she absented before the learned Trial Court. Learned counsel further submits that the petitioner is willing and ready to appear, and surrender before the Trial Court. Hence, in the aforementioned facts



**CRM-M-33542-2024**

and circumstances, the petitioner be protected till her appearance before the Trial Court, and directions be given to the Trial Court that her bail application, which she would be filing on her surrender, be decided expeditiously.

3. Notice of motion.

4. On asking of the Court, Mr. Navdeep Singh, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

5. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the Trial Court within 07 days from today. Till then, no coercive steps be taken against the petitioner. However, this shall be subject to payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority concerned, which shall be a condition precedent.

6. It is made clear that in case, the petitioner fails to surrender before the Trial Court within 07 days from today and to comply with the above said direction, this order shall be of no avail to her, thereafter. In case, on appearance and surrender, the petitioner moves an application for bail, the Trial Court shall make earnest efforts to decide it expeditiously, in accordance with law.

**18.07.2024**

Vinay

**(MANJARI NEHRU KAUL)**

**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |