



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

Sr. No.133

CRM-M-36393-2024

Date of decision : 30.07.2024

SATYABEER SINGH

..... Petitioner

VERSUS

M/S EDGE MOTION CONTROLS PVT LTD AND OTHERS

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of BNSS, 2023 for setting aside the order dated 21.08.2023 passed by JMIC Faridabad (Annexure P-2) vide which non-bailable warrants were issued against the petitioner and further setting aside the order dated 23.01.2024 passed by JMIC Faridabad (Annexure P-3) vide which proclamation under Section 82 Cr.P.C. of 1973 has been ordered.

2. Learned counsel for the petitioner submits that the dispute is with regard to a cheque dated 21.05.2020, numbered as 035374, amounting to Rs.1,06,479/-drawn on Yes Bank which was dishonoured on 10.08.2020 for insufficient funds. He also submits that the complaint was filed during Covid time on 14.09.2020 on which date the complainant got his preliminary evidence recorded. Thereafter, vide order dated 18.01.2021, the petitioner along with two co-accused were summoned for appearance on 27.05.2021 as accused. However, on 27.05.2021, due to outbreak of second wave of Covid-19, the matter was further adjourned to 13.01.2022 and



subsequently to 12.08.2022 for the same reason. Then on 12.08.2022, the learned trial Court observed that report with regard to the summons had been received on the registered cover and allegedly the execution of summons was refused hence bailable warrants were issued against the accused persons. Further due to non-execution of bailable warrants and non appearance on 21.08.2023, non bailable warrants were issued. Learned counsel for the petitioner contends that the petitioner was never served with summons with regard to the case in question. However, he is willing to surrender before the trial Court.

3. Notice of motion.

4. At asking of the Court, Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

5. Heard.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

7. In view of the above and in the interest of justice, the present petition is allowed and orders dated 21.08.2023 (Annexure P-2) and 23.01.2024 (Annexure P-3) are hereby set aside/quashed subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the ***“Poor Patient Welfare Fund, PGIMER Chandigarh”***. The petitioner after depositing the cost as stated above would appear before the trial Court and file appropriate application along with receipt of payment of cost. The trial



Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. In case, the petitioner failed to appear before the trial Court on the date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

30.07.2024
Kavita Nain

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