

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-38449-2024  
Date of decision: 13.09.2024

RAJESH EBRAHIMKUTTY MAJIDHA BEEVI

....PETITIONER

Versus

STATE OF UT CHANDIGARH AND ANR

....RESPONDENTS.

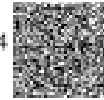
CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Himanshu Sharma, Advocate for the petitioner.  
Mr. Manish Bansal, P.P. U.T. Chandigarh.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of Cr.P.C., the petitioner prays for setting aside the impugned order dated 20.05.2024 (Annexure P-1) and other consequential proceedings arising therefrom in complaint bearing No.NACT-11061-2017 titled '*Sahibjit Bhullar Versus ABC Aviation and Training Services Private Limited etc*' pending for 28.08.2024 vide which the bail of the petitioner was cancelled and further non-bailable warrants were ordered to be issued vide order dated 12.07.2024 (Annexure P-2).

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 09.08.2024 the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 27.08.2024 passed by learned Judicial Magistrate Ist



CRM-M-38449-2024

2

Class, Chandigarh, in this regard in the complaint titled '*Sahibjit Bhullar Versus ABC Aviation and Training Services Private Limited*' and has deposited the cost of Rs.10,000/- in compliance to the order dated 09.08.2024.

3. This aspect is not disputed by learned State counsel.
4. During the course of hearing on 09.08.2024, following order was passed:

*“ 2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been summoned in the complaint case titled ‘Sahibjit Bhullar Versus ABC Aviation and Training Services Private Limited etc’ under Section 138 of Negotiable Instruments Act by the Court of learned Judicial Magistrate Ist Class, Chandigarh, was granted concession of bail and subsequently granted permanent exemption from personal appearance vide order datd 22.09.2022 passed by learned Judicial Magistrate Ist Class, Chandigarh. He submits that the case was fixed for statement under Section 313 Cr.P.C. for 20.05.2024 but on that day although the counsel for the petitioner appeared but the petitioner could not put in appearance due to medical ailment and the learned trial Court passed the impugned order (Annexure P-1) thereby cancelling his bail and summoning him through non-bailable warrants of arrest for 12.07.2024. He submits that, however, on that day, the warrants were received back unexecuted but the learned trial Court issued the proclamation in a haste for procuring the presence of the petitioner. He submits that the petitioner is ready to appear in the trial Court and will regularly appearing in Court on each and every date of hearing without fail.*

CRM-M-38449-2024

3

3.

*Notice of motion to respondent No.1 only at this stage for 30.08.2024.*
4.

*In the meanwhile, the petitioner is directed to appear in the trial Court on or before 13.08.2024 and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law. The petitioner is also burderned with cost of Rs.10,000/- to be deposited in District Legal Services Authority, U.T. Chandigarh and the receipt thereof be produced at the time of his appearance before the learned trial Court.”*
5.

Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 09.08.2024, passed by this Court, the present petition is allowed. The orders dated 20.05.2024 (Annexure P-1) and 12.07.2024 (Annexure P-2), passed by learned Judicial Magistrate Ist Class, are set aside and the interim bail granted vide order dated 09.08.2024 is hereby confirmed.
6.

The petition stands disposed of.

13.09.2024  
kanika

(SANJIV BERRY)  
JUDGE

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