



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41039-2024
Date of decision: 13.09.2024

YASHPALPETITIONER

Versus

STATE OF HARYANA AND ANOTHER ...RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. B.S. Mamli, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of Cr.P.C., the petitioner prays for quashing of the order dated 12.04.2024 (Annexure P-1) passed in NACT-80-2017 titled '*Jasbir Versus Yashpal*' and all the consequential proceedings arising therefrom.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 27.08.2024 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 02.09.2024 passed by learned Judicial Magistrate Ist Class, Naraingarh, in this regard in the complaint titled '*Jasbir Versus Yashpal*'.

3. This aspect is not disputed by learned State counsel.

4. During the course of hearing on 27.08.2024, following order was passed:



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“ 2. He contends that the petitioner, after being summoned in a complaint case under Section 138 of Negotiable Instruments Act bearing No. NACT-80-2017 titled ‘Jasmer Singh Versus Yash Pal’ by the Court of learned Judicial Magistrate Ist Class, Naraingarh, had been regularly appearing in the Court and even making part payment of the disputed amount. She has placed on record copy of order dated 05.01.2023 passed by learned Judicial Magistrate Ist Class, Naraingarh in this regard. She further contends that the petitioner could not appear in Court on 12.04.2024 having wrongly noted the date as 14.05.2024 leading to the learned trial Court cancelling his bail and issuing non-bailable warrants of arrest and the next date fixed therein is 02.09.2024. She contends that the absence of the petitioner on that date was not intentional but due to the fact having wrongly noted the date and the petitioner is ready to appear in the trial Court.

3. Notice of motion to respondent No.1 only at this stage.

4. On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

5. List on 13.09.2024.

6. In the meanwhile, the petitioner is hereby directed to to appear before the concerned trial Court/Duty Magistrate within seven days from today 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.”

5. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds



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consequent to the order dated 27.08.2024, passed by this Court, the present petition is allowed. The order dated 12.04.2024 (Annexure P-1), passed by learned Judicial Magistrate Ist Class, is set aside and the interim bail granted vide order dated 27.08.2024 is hereby confirmed.

6. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

13.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |