



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

CRM-M-46444-2024

Date of Decision : **19.09.2024**

RAMVILAS JAIRAM YADAV

.....Petitioner

VERSUS

INDIABULLS COMMERICAL CREDIT LTD AND ANOTHER

.....Respondents

CRM-M-46486-2024

RAMVILAS JAIRAM YADAV

.....Petitioner

VERSUS

INDIABULLS COMMERCIAL CREDIT LTD AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

KULDEEP TIWARI, J.(Oral)

1. Since both the petitions are arising out of a common issue, therefore, being amenable for common decision, same are taken up together.

2. Through the instant petitions, challenge is thrown to the order dated 23.08.2024 (Annexure P-5 in both the petitions), passed in the complaint case bearing Nos. NACT-46104-2018 and NACT-46101-

2018, instituted under Sections 138/141/142/143-A of the Negotiable Instruments Act, 1881, whereby the applications for recalling the warrants issued against the present petitioner has been dismissed.

3. At the very outset, this Court has put a specific query to learned counsel for the petitioner, whether, such application is maintainable before the learned trial court concerned, to which he replied that the application is itself not maintainable, as the court concerned has no power to recall its own orders. However, he made a prayer that the petitioner belongs to the State of Maharashtra, and in case he surrenders before the learned trial court concerned, in pursuance of the summoning order against him, and upon filing an application seeking regular bail to the present petitioner, offence being bailable one, he would not be able to furnish the local surety.

4. He further submits that the petitioner is ready and willing to surrender before the learned trial court concerned, on the next date of hearing. He only seeks a direction upon the court concerned, that he may not be compelled to furnish the local surety.

5. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, therefore, the same is accepted.

6. Without issuing notice of motion to the respondent concerned, a *mandamus* is passed upon the learned trial court concerned, that in case the petitioner surrenders before the learned trial court

concerned, on the next date of hearing, and files a regular bail application, the court concerned, upon granting the relief of regular bail, shall not insist upon the petitioner for furnishing a local surety.

13. **Disposed of accordingly.**
14. All pending application(s), if any, stand **disposed** of accordingly.
15. A photocopy of this order be placed on the file of the connected case.

September 19, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. :

Whether Reportable. :

Yes/No

Yes/No