



128

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46743-2024 (O&M)
Date of decision: 25.09.2024

Ramvilas Jairam Yadav

...Petitioner

Versus

Indiabulls Housing Finance Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, challenge is thrown to the order dated 23.08.2024 (Annexure P-5), passed in the complaint case bearing No. NACT-46101-2018, instituted under Sections 138/141/142/143-A of the Negotiable Instruments Act, 1881, whereby the application for recalling the warrants issued against the present petitioner has been dismissed.
2. 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.

3. 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.

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

5. 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.

6. Disposed of accordingly.

7. All pending application(s), if any, stand disposed of accordingly.

25.09.2024
Satyawar

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No