



CRM-M-46916-2024

-1-

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

CRM-M-46916-2024

Date of Decision: 19.09.2024

Hetram

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Kumar Yadav, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 09.07.2024 passed by learned Judicial Magistrate Ist Class, Gurugram, in complaint bearing NACT No.17404 of 2017 dated 03.11.2017 titled as Satyabir Singh vs. Hetram, filed by respondent No.2 under Section 138/142 of Negotiable Instruments Act, 1881, whereby the bail of the petitioner has been cancelled and non-bailable warrants have been issued against the petitioner and the order dated 30.07.2024, whereby, the proclamation proceedings have been initiated against the petitioner.

2. At the outset, it has been contended by learned counsel for the petitioner that the cheque amount involved in the present case is only Rs.50,000/- and the petitioner is ready to return the same to the complainant. He submits that earlier the petitioner was declared proclaimed offender vide order dated 24.01.2024, which was set aside by this Court vide order dated 22.03.2024. He submits that however, thereafter father of the petitioner fell seriously ill and got admitted in hospital and unfortunately died on 24.07.2024 and thus, on account of the precarious condition in the family of the petitioner, he could not appear before the trial Court and thus, vide order dated 09.07.2024, his bail was cancelled and thereafter, vide order dated 30.07.2024, proclamation proceedings have



been initiated against him. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by the Court, while allowing him to join the proceedings.

3. Notice of motion to the official respondent only. Keeping in view the facts and circumstances of the case, this Court deems it appropriate to decide the petition without issuance of notice to respondent No.2 as resorting to that process will result in delay of the proceedings in the main case.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State and he has submitted that the petitioner is habitual of remaining absent from the Court, thus, his bail was rightly cancelled.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that father of the petitioner remained hospitalized and unfortunately died on 24.07.2024, due to which the petitioner remained absent from the Court and his bail was cancelled and proclamation proceedings were initiated against him. However, now the petitioner is keen to even settle the dispute with the complainant by returning the cheque amount of Rs.50,000/- to the complainant and to join the proceedings and abide by all the conditions imposed by the Court. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, the orders dated 09.07.2024 and 30.07.2024 are set aside

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application and the

trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to take note of the contentions raised by counsel for the petitioner regarding amicable settlement of the dispute between the parties.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order under challenge will come in force and the present petition shall be deemed to be dismissed.

9. Petition stands disposed of in abovesaid terms.

19.09.2024
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

(RAJESH BHARDWAJ)
JUDGE