



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

CRM-M-50146-2024
Date of decision: 04.10.2024

Manpasand Beverages Limited and Another ...Petitioners

Versus

M/s Gulati Transport Company and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. I.S. Khosa, Advocate for the petitioners.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C seeking quashing of order dated 10.09.2024 Annexure P-7 whereby the Court of Judicial Magistrate Ist Class, Ambala has issued proclamation of the petitioners under Section 82 Cr.P.C for 29.11.2024 in a criminal complaint titled M/s Gulati Transport Company Vs. M/s Manpasand Beverages CIS No-2027/2019 under Section 138 NI Act.

2. The counsel for the petitioners submits that the petitioners never received any notice or warrants with regard to pendency of the aforesaid criminal complaint. That the learned trial Court while acting in a hasty manner passed impugned order Annexure P-7, which deserves to be set aside being not passed in consonance with the provisions of Section 82 Cr.P.C. The counsel for the petitioners further submits that petitioners are ready to deposit bank demand draft equivalent to cheque amount along with interest at reasonable rate, with the trial Court at the earliest in order to settle dispute between the parties in an amicable manner.



3. I have considered the submissions made by counsel for the petitioners.

4. Admittedly, offence punishable under Section 138 NI Act is a bailable offence. Further, the counsel for the petitioners has given undertaking to deposit the entire disputed amount along with certain interest with the trial Court.

5. In light of the above, the present petition is hereby disposed of and impugned order Annexure P-7 is set aside, with direction to the petitioners to appear before the learned trial Court within next 30 days and on their doing so, the petitioners are to be released on regular bail by the trial Court to its satisfaction. This Court hope and trust that the petitioners will also comply with the undertaking given by their counsel regarding deposit of demand draft worth cheque amount in question along with interest at a reasonable rate in the trial Court at the time of their appearance before the said Court.

6. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

7. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

04.10.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**