



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

CRM-M-48095-2024
Date of decision: 25.09.2024

Zobra Wine

...Petitioner

Versus

Shri Vinayak Associates and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Deepak Kumar, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C/528 of BNSS 2023 seeking quashing of order dated 15.07.2024 (Annexure P-3) passed by the Court of Judicial Magistrate Ist Class, Fatehabad vide which the bail of the petitioner was cancelled and he was directed to be summoned through nonailable warrants of arrest in a criminal complaint titled Shri Vinayak Associates Vs. Zobra Wine, on account of the absence of the petitioner before the trial Court concerned on that date.

2. Counsel for the petitioner *inter alia* submits that petitioner was summoned as an accused under Section 138 NI Act in aforesaid criminal complaint and on his appearance, the petitioner was granted regular bail and thereafter, the petitioner was regularly appearing in the trial Court proceedings. That however, due to some family problem, the petitioner was unable to put his appearance before the trial court on 15.07.2024 which resulted into passing of the impugned order Annexure P-3. Counsel for the



petitioner further submits that order Annexure P-3 was passed by the learned trial Court in a hasty manner, without taking into consideration the fact that this was single default on the part of the petitioner. It is further submitted that petitioner is ready to join the proceedings before the trial Court at the earliest.

3. Undoubtedly, offence punishable under Section 138 NI Act is a bailable offence and it appears that single default on the part of the petitioner resulted in passing of the impugned order Annexure P-3.

4. In light of the above, without expressing any opinion on the merits of the case and in order to avoid any further delay in trial, the petitioner is hereby directed to join proceedings before the trial Court within next 10 days and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction and subject to cost of Rs.5000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

5. Disposed of in aforesaid terms.

25.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No