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

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CRM-M-48221-2024 (O&M)

Date of decision: 27.09.2024

Kabir Bhatt**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. R. S. Mamli, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 31.07.2024, passed by the Court of learned Judicial Magistrate First Class, Gurugram in case titled as *M/s Leasplan India Pvt. Ltd. vs. M/s Sun Micro*, filed under Section 138 of Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), whereby bail of the petitioner has been cancelled and arrest warrants have been issued against him, as well as for quashing of order dated 29.08.2024, whereby the application moved by the petitioner for recalling of aforesaid order had been dismissed by the trial Court.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the petitioner is facing trial in the aforesaid complaint filed by respondent No. 2 under Section 138 of the N. I. Act. He was regularly appearing

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before the Court concerned. However, he absented himself from the Court proceedings on 31.07.2024, consequent to which, his bail had been cancelled by the trial Court. The petitioner had moved an application for grant of anticipatory bail but the same had been dismissed. He had also moved an application for recalling of the impugned orders but the same was dismissed by the trial Court, vide impugned order dated 29.08.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was granted concession of bail by the trial Court and was regularly attending the Court proceedings but on 31.07.2024, due to some misunderstanding, he could not appear before the trial Court resulting into cancellation of his bail. Learned counsel for the petitioner has further submitted that the absence of the petitioner before the trial Court on the said date was neither intentional nor deliberate. He is ready to abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is required to do so. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of bail.

4. I have heard learned counsel for the petitioner at considerable length and have also gone through the material placed on record.

5. Admittedly, the petitioner was granted concession of bail by the trial Court. He was regularly appearing before the Court barring some occasions. However, he absented himself on 31.07.2024, consequent to which, his bail had been cancelled and non-bailable warrants had been issued against him. He had moved an application for recalling of the said order, which too had

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been dismissed by the trial Court. Even the proclamation proceedings have been initiated against the petitioners, which are pending for 17.10.2024. The absence of the petitioner on the aforesaid date is obviously due to his carelessness but it does not attract the consequence of detaining him into custody. More so, it is apparent that he is ready to appear before the Court concerned and face the trial. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that this petition deserves to be allowed.

6. Accordingly, the present petition is disposed of. The petitioner is directed to surrender before the trial Court on or before the next date fixed before it and on doing so; the trial Court will release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No