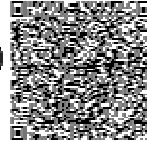


2024:PHHC:128040



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

139

CRM-M-48553-2024 (O&M)

Date of decision: 26.09.2024

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

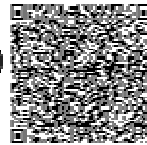
Present:- Mr. R. S. Mamli, Advocate
for the petitioners.

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 petitioners has been cancelled and arrest warrants have been issued against them, as well as for quashing of order dated 29.08.2024, whereby the application moved by the petitioners 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 petitioners are facing trial in the aforesaid complaint filed by respondent No. 2 under Section 138 of the N. I. Act. They were regularly

2024:PHHC:128040



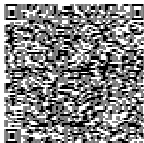
appearing before the Court concerned. However, they absented themselves from the Court proceedings on 31.07.2024, consequent to which, their bail had been cancelled by the trial Court. The petitioners had moved an application for grant of anticipatory bail but the same had been dismissed. They also moved 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 petitioners has argued that the petitioners have been falsely implicated in this case. They were granted concession of bail by the trial Court and were regularly attending the Court proceedings but on 31.07.2024, due to some misunderstanding, they could not appear before the trial Court resulting into cancellation of their bail. Learned counsel for the petitioners has further submitted that the absence of the petitioners before the trial Court on the said date was neither intentional nor deliberate. They are ready to abide by the terms and conditions to be imposed by this Court. They undertake to attend the Court proceedings, as and when they are required to do so. It is, therefore, urged that the petition deserves to be allowed and the petitioners deserve to be granted concession of regular bail.

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

5. Admittedly, the petitioners were granted concession of bail by the trial Court. They were regularly appearing before the Court barring some occasions. However, they absented on 31.07.2024, consequent to which, their bail had been cancelled and non-bailable warrants have been issued against them. They had moved an application for recalling of the said order, which too

2024:PHHC:128040



had 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 petitioners on the aforesaid date is obviously due to their carelessness but it does not attract the consequence of detaining them into custody. More so, it is apparent that they are 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 petitioners are directed to surrender before the trial Court within a period of 15 days from today and on doing so; the trial Court will release them on bail, subject to their 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.

26.09.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No