



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

279

CRM-M-61100-2022 (O&M)
Date of Decision:- 01.08.2024

ABHISHEK KAKKAR

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. I.S. Dhaliwal, Advocate for the petitioner.

Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned orders dated 16.05.2022 (Annexure P-3) and 03.08.2022 (Annexure P-4), whereby non-bailable warrants of petitioner were issued and order dated 04.11.2022 (Annexure P-5), vide which proclamation under Section 82 CrPC had been issued against the petitioner by learned Sub Divisional Judicial Magistrate, Malout in Complaint No.NACT/534/2019 dated 19.08.2019 under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 27.12.2022 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 03.01.2023, whereby the petitioner



has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 27.12.2022, the following order was passed.

“Learned counsel for the petitioner has submitted that after filing of complaint the petitioner was regularly appearing before the Court concerned. However, on 20.04.2022 the petitioner could not appear due to personal difficulty and the matter was adjourned for 16.05.2022. On 16.05.2022, the petitioner could not appear before the Court as the clerk of the counsel did not note the date fixed and therefore, the trial Court cancelled his bail bonds and issued non-bailable warrants for 03.08.2022. Thereafter on 03.08.2022, the petitioner did not appear before the trial Court and consequently, fresh non-bailable warrants were issued for 04.11.2022. On that day also, the petitioner did not appear and the trial Court observed that non-bailable warrants issued to the petitioner could not be served upon him as he was avoiding service. Hence, proclamation proceedings under Section 82 Cr.PC were initiated against the petitioner. Learned counsel further submits that the petitioner is ready to appear before the trial Court/Illaq Magistrate and so he may be protected till such time.

Notice of motion.

On the asking of Court, Mr. Maninder Singh, DAG, Punjab accepts notice on behalf of respondent-State.

Adjourned to 24.01.2023.

Meanwhile, the petitioner is directed to appear before the trial Court within a period of ten days and on his appearance, the petitioner shall be admitted to bail on his furnishing fresh bail bonds to the satisfaction of the Court concerned.

Copy of the order be produced on the next date of hearing.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the



order passed by this Court, the present petition is allowed. The orders dated 16.05.2022 (Annexure P-3); 03.08.2022 (Annexure P-4) and 04.11.2022 (Annexure P-5) passed by learned Sub Divisional Judicial Magistrate, Malout are set aside and the interim bail granted vide order dated 27.12.2022 is hereby confirmed.

- 7. The petition stands allowed.
- 8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

01.08.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No