



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56006-2024
Date of decision : 11.11.2024

Sandeep KumarPetitioner

versus

State of Haryana and anotherRespondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Arpandeeep Narula, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for quashing of impugned order dated 22.08.2024 (Annexure P-14) passed in criminal Complaint No.NACT-285-2019, filed under Section 138 of the NI Act, 1881 by the Ld. Judicial Magistrate Ist Class, Sirsa, whereby the application seeking exemption from personal appearance was dismissed and the bail order/bonds of the petitioner were cancelled and forfeited to the State and the further presence of the petitioner was ordered to be secured by non-bailable warrants and all other subsequent proceedings arising therefrom including initiation of the proclamation process, being blatant abuse of process of law. Further prayer has been made for staying the operation of the impugned order dated 22.08.2024.
2. It has been contended by counsel for the petitioner that the dispute in the complaint filed against the petitioner is only pertains to the cheque amounting to Rs.47,241/-. He submits that on the issuance of the notice, the petitioner appeared before the trial Court and thereafter, he



filed an application for granting him exemption. He submits that the learned trial Court, however, declined the same and cancelled his bail bonds. He, at the outset, has submitted that he has brought a Demand Draft bearing No.644114 dated 07.11.2024 amounting to Rs.47,241/- to be paid to the complainant. It is submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 22.08.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 22.08.2024 and his bail was cancelled and bail bonds were forfeited to the State. The absence of the petitioner was not intentional and the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, this Court dispose of the present petition and the impugned order dated 22.08.2024 is *set aside*. In case, the petitioner appears and surrenders before the Court concerned and submits the Demand Draft prepared by him within a period of 10 days from today and files an application for bail, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today. The Court concerned would take into consideration the factum of compromise between the



parties as the petitioner is stated to be ready to pay the amount of cheque to the complainant and the Court will make every possible effort to resolve the dispute between the parties by amicable settlement.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 22.08.2024 would come in force and the present petition shall be deemed to have been dismissed.

(RAJESH BHARDWAJ)
JUDGE

11.11.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No