



CRM-M-56201-2024

116 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.56201 of 2024 (O&M)
Date of Decision: 12.11.2024

Mr. Jonarthan KR Kannan ...Petitioner

Versus

Logenix Logistics Indian Pvt. Ltd. and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Beno Bencigar, Advocate (Through VC)
for the petitioner.

ANOOP CHITKARA, J.

Complaint	NACT-37054/2022, under Section 138 of the Negotiable Instruments Act.
-----------	---

Seeking quashing of complaint captioned above and summoning order dated 04.06.2022 alongwith issuance of proclamation vide order dated 27.05.024 in the complaint captioned, the petitioner has come up before this Court under Section 482 Cr.P.C, 1973.

2. The complainant is a private limited company and the respondent-accused is related to firm.

3. After arguing for some time, counsel for the petitioner confines his prayer only to quashing of order of issuance of proclamation with liberty reserved to the petitioner to file afresh petition to challenge the summoning orders as well as seeking quashing of the complaint.

4. The nature of order this court proposes to pass, no response is required from the respondent.

5. Counsel for the petitioner submits that the respondent-accused was not a signatory to the cheque and despite that he was arraigned as an accused. He further submits that non-appearance before the trial Court concerned was unintentional and undertakes to appear before the trial Court as and when asked to do so.

2024 PHHC 147484



CRM-M-56201-2024

6. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned in the petition, the ends of justice would meet, if limited relief is given to the petitioner. Furthermore, without adjudicating the maintainability of this petition under section 528 BNSS and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. Thus, exercising the inherent powers under section 528 BNSS this court deems it appropriate to grant the following limited relief to the petitioner, subject to compliance with the conditions mentioned in this order.

7. **The petitioner is directed to surrender before the concerned court on or before 26.11.2024 by 04. 00 pm and file a bail petition.** *On appearance, the concerned court shall consider his bail as offence is bailable on the same day on furnishing of personal bonds, for the reason, that the petitioner is from far off place and it could not be possible for him to procure local surety. Further on the moment, he surrenders before the Court, impugned order shall stand quashed.* If for any reasons, beyond the petitioner's control, he is unable to appear by 26.11.2024, then he can appear before the court concerned on any date on or before 29.11.2024 as he belongs to far off place. Till appearance of the petitioner, non bailable warrants, proclamation qua the petitioner, shall remain stayed.

8. The petitioner shall not be arrested till 26.11.2024, 5.00 PM and any warrant or LOC issued shall stand stayed till that day. **If the petitioner fails to appear before the trial Court on or before 26.11.2024, in that case order shall stand recalled automatically under section 403 read with 528 BNSS, without any further reference to this court, after 5 PM on 26.11.2024.** Also, liberty reserved to the petitioner to file afresh petition challenging the summoning orders as well as the complaint.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

2024 PHHC 147484



CRM-M-56201-2024

Petition allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

12.11.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.