



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

319

CRM-M-61421-2023 (O&M)

Date of Decision:- 03.09.2024

BALBIR SINGH NAGI

....Petitioner(s)

Versus

STATE OF HARYANA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Shantanu Bansal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned order dated 12.06.2023 (Annexure P-3), whereby the bail of the petitioner was cancelled and non-bailable warrants of arrest were issued against the petitioner and order dated 16.10.2023 (Annexure P-4) vide which the petitioner was declared as proclaimed person by learned Judicial Magistrate First Class, Ambala in Complaint under Section 138 of the Negotiable Instruments Act titled as 'Parminder Singh Vs. Balbir Singh Nagi' bearing No.COMA/664/2018 dated 27.03.2018.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 30.01.2024 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 05.02.2024 passed by Judicial Magistrate First Class, Ambala, 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 30.01.2024, the following order was passed.

“3. It is further contended by learned counsel for the petitioner that thereafter proclamation was issued, however, as the address of the petitioner had been changed, as is so mentioned in the power of attorney, furnished by the petitioner, in the Court, way back in 2019 (Annexure P-5), the petitioner could not receive any copy of summons or proclamation in the case. He has referred to the zimini orders dated 27.03.2019 in the case, wherein also it was reported that theailable warrants could not be served as the petitioner has left the given address. He further contends that learned Trial Court proceeded to pass the impugned order dated 16.10.2023 (Annexure P-4), declaring the petitioner as proclaimed person in the case without following the procedure laid down under the provisions of Section 82 Cr. PC. 4. Learned counsel for the petitioner further contends that the petitioner is ready to join the trial and undertakes to regularly appear in the Court on each and every date of hearing without fail, in future.

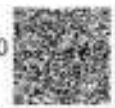
5. Notice of motion.

6. On the asking of the Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice and prays for time to file the status report in the matter.

7. Notice to respondent No. 2 be issued through the Registry of this Court for the date fixed.

8. Process dasti as well.

9. In the meanwhile, on the petitioner depositing Rs. 10,000/-, as costs, in the Poor Patients Wefare Fund of the PGIMER, Chandigarh, and putting in appearance before the learned Trial Court within 07 days from today, he is ordered to be released on interim bail to the satisfaction of the learned Trial Court on furnishing requisite bail/surety bonds to its satisfaction.



10. The petitioner shall also furnish a specific undertaking before the Trial Court that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed which will be considered in accordance with the law by the learned Trial Court.

11. Adjourned to 22.02.2024.”

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 dated 30.01.2024 passed by this Court, the present petition is allowed. The orders dated 12.06.2023 and 16.10.2023 (Annexures P-3 and P-4) passed by learned Judicial Magistrate First Class, Ambala are set aside and the interim bail granted vide order dated 30.01.2024 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

03.09.2024
S.Sharma(syr)

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