



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CRM-M-58593-2024(O&M)
Date of Decision: 25.11.2024

AJAY KUMARPetitioner
STATE OF PUNJABRespondent
VERSUS

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Harjinder Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 27.05.2024 passed in CIS No.NACT-4415-2019 titled as “*Dikar Singh Vs. Ajay Kumar etc.*” filed under Section 138 of Negotiable Instrument Act, 1881 whereby bail bonds and surety bonds were ordered to be cancelled and forfeited to the State respectively by the Court of learned Judicial Magistrate First Class-11, Jalandhar.
2. It is submitted by learned counsel for the petitioner that the petitioner is working in Army at Jammu and Kashmir, therefore, he could not appear on 27.05.2024 to till today as he was posted at Border area in Jammu and Kashmir. He had applied for grant of leave but the same was not sanctioned. His absence was not intentional or deliberate. He is ready to appear before the learned trial Court and to abide by terms and conditions, therefore, it is urged that impugned order be set aside.



3. Learned counsel for the petitioner has placed on record the copies of subsequent orders passed by the learned trial Court which revealed that proclamation had been ordered to be issued against him on 26.11.2024. A perusal of the impugned order reveals that after dismissing the application of the petitioner for seeking exemption, learned trial Court had cancelled his bail by passing a detailed orders. Though no infirmity or illegality can be stated to be existing there in the order passed by learned trial Court, however, still keeping in view the fact that the petitioner is ready to join the proceedings before the learned trial Court and to abide by terms and conditions to be imposed upon him and further in view of the fact that he is serving in Indian Army and his absence does not appear to be intentional, direction is hereby given to the petitioner to surrender before the learned trial Court within a period of one week from today. If he does so and moves an appropriate application for grant of bail before the learned trial Court and furnishes personal as well as surety bonds to its satisfaction, then he would be ordered to be released on bail.

4. However, it is clarified that he does not appear within a stipulated time, this order shall be deemed to be dismissed. Since the learned trial Court has already fixed the proceedings for 26.11.2024, as such, it is ordered that no further adverse order be passed against the petitioner on that day.

(MANISHA BATRA)
JUDGE

25.11.2024

Deepak Patwal

1. *Whether speaking/reasoned* : Yes/No
2. *Whether reportable* : Yes/No