



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

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CRM-M-58809-2024

Date of Decision:- 25.11.2024

Pardeep Aggarwal

....Petitioner

Vs.

State of Punjab and Anr.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Manmeet Singh Rana, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

AMARJOT BHATTI, J.

1. Petitioner – Pardeep Aggarwal has filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 22.10.2024 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Jalandhar in complaint case No.NACT/3914/2019 dated 16.08.2019 titled as “Asiatic Engineering Works Vs. Him Agri Fresh Pvt. Ltd. etc.” (Annexure P-1), under Section 138 of Negotiable Instruments Act read with Section 406 and 420 of IPC, registered at Police Station Division Maqsudan, District Jalandhar whereby his bail bonds and surety bonds were cancelled and forfeited to the State and his non-bailable warrants of arrest are issued for 07.12.2024.

2. Learned counsel for petitioner argued that petitioner could not appear due to health condition. He is 64 years old and was suffering from acute dental pain for which he took treatment from Dr. Pratiksha Aggarwal. Medical Certificate dated 19.10.2024 is Annexure P-2 and he was advised rest from 20.10.2024 to 25.10.2024. There was no intentional absence on his part.

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Therefore, impugned order dated 22.10.2024 (Annexure P-3) may kindly be set aside and he may be granted relief of bail.

3. I have considered the arguments. All relevant documents are annexed with the petition. No purpose would be served by giving notice to respondent. Impugned order dated 22.10.2024 indicates that on that date petitioner absented and his arrest warrants were issued for 07.12.2024. He filed anticipatory bail application before learned Additional Sessions Judge, which was declined being not maintainable vide order dated 11.11.2024 (Annexure P-4) and thereafter present petition has been filed.

4. I have considered the aforesaid factual position. Present petitioner did not make any effort to file application before learned Judicial Magistrate seeking exemption of personal appearance. Considering the age of petitioner and the fact that he promptly filed present petition before next date, lenient view is taken and impugned order dated 22.10.2024 (Annexure P-3) is accordingly set aside. Petitioner is directed to appear before learned trial Court before next date of hearing i.e. 07.12.2024 and be released on bail to the satisfaction of learned trial Court subject to deposit of cost of Rs.20,000/- with District Legal Services Authority, Jalandhar, failing which, the Court will proceed as per law.

5. Petition is accordingly disposed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

25.11.2024*sunil devi*

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