



133

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

CRM-M-59107-2024**Date of decision : 26.11.2024****Ashok Kumar @ Ashok Verma****.....Petitioner****Versus****Rohit Kumar and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vicky Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing/setting aside of order dated 16.09.2024 (Annexure P-6) passed by learned Additional Sessions Judge, Amritsar whereby non-bailable warrants were issued due to non-appearance of the petitioner, the petitioner was convicted vide judgment dated 21.05.2024 in NACT No.6222 of 2019, Regd. On 10.12.2019 for the offence under Section 138 of the Negotiable Instrument Act, 1881 passed by the ld. JMIC, Amritsar. Further prayer has been made for staying the operation of impugned order dated 16.09.2024.

2. It has been contended by counsel for the petitioner that the petitioner was prosecuted in NACT-6222-2019 for the offence under Section 138 of the NI Act, 1881. He submits that the petitioner was convicted and sentenced for 06 months simple imprisonment by the learned trial Court. He submits that the petitioner assailed the same order by way of filing of an appeal before the learned Additional Sessions



Judge, Amritsar and his sentence was suspended subject to the payment of 20% of compensation amount, which has been duly deposited. However, only on one date i.e. 16.09.2024, he failed to appear due to miscommunication with his counsel and his bail bonds were cancelled and non-bailable warrants were issued against him. He submits that the petitioner has no criminal antecedents and he 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. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of respondent No.2-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 16.09.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on one date i.e. 16.09.2024 and his bail was cancelled and non-bailable warrants were issued. The reason for his absence has been given that there was some miscommunication between him and his counsel. The petitioner is keen to join the proceedings and has already complied with the directions of Ld. Appellate Court regarding deposit of 20% of the amount of compensation. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 16.09.2024 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the **‘Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh’** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10



days from today and files an application for bail alongwith receipt of abovesaid costs, 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.

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 16.09.2024 would come in force and the present petition shall be deemed to have been dismissed.

26.11.2024
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(RAJESH BHARDWAJ)
JUDGE

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