



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CRM-M-4714-2025

Decided on : 28.01.2025

Avtar Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Deepak Kumar, Advocate
for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS, petitioner is seeking quashing of order dated 30.11.2024 (Annexure P-3), passed by Ld. Judicial Magistrate First Class, Sirsa, whereby the petitioner has been declared as proclaimed person in complaint No.NACT-645 of 2021 dated 15.06.2021, titled as 'Rajender Kumar Vs. Avtar Singh' filed by respondent No.2.

2. Learned counsel for the petitioner submits that the petitioner has been facing proceedings under Section 138 of the Negotiable Instruments Act, 1881 and was on bail since the time of filing of the complaint i.e. in the year 2021. Counsel further submits that the petitioner has been appearing on each and every date of hearing, however, on account of the fact that the petitioner is aged 70 years and is suffering from serious ailment i.e. ***epileptic seizures***, he could not appear on 30.11.2024 to join the Court proceedings. Counsel further submits that petitioner is suffering from ***epileptic seizure*** for the last 15 years and has been prescribed certain medicines by the doctors. While producing the photocopy of the prescription slip/OPD slip, Counsel submits

**CRM-M-4714-2025****- 2 -**

that even life of petitioner is at risk because of the said ailment. The prescription slip/OPD slip is taken on record.

3. Learned counsel further submits that the non-appearance of the petitioner before learned Trial Court was neither intentional nor deliberate, but due to some unavoidable circumstances, as explained in the present petition. He further contends that, if one opportunity is granted to the petitioner to appear and then to grant him bail, he undertakes that in all the future proceedings of the present case, he will never be absent from the Court except on obtaining prior permission from the Court and will fully cooperate in the Court proceedings for early completion of trial.

4. Notice of motion.

5. On asking of the Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

6. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

7. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner was regularly attending the proceedings before the learned Trial Court, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court with certain conditions.

8. This Court is also of the view that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up

**CRM-M-4714-2025****- 3 -**

the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

9. Therefore, in the totality of circumstances, I am of the opinion that an opportunity shall be granted to the petitioner to appear before the trial Court and it is directed that if petitioner on his own appears before the learned trial Court on or before 25.02.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

10. In view of above, **the present petition is allowed.**

11. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 30.11.2024 (Annexure P-3) and the subsequent orders would become inoperative *qua* the petitioner.

(SANJAY VASHISTH)
JUDGE

January 28, 2025***rashmi***

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No