



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

CRM-M-6471-2025

Date of decision: 24.02.2025

SANDEEP KUMAR

....PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Rahul Singh, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023, has been filed for quashing of the impugned order dated 18.11.2023 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Bhiwani, in Criminal Complaint bearing CIS No. NACT-220-2020 instituted on 27.01.2020 titled 'Ashok Versus Himanshu' under Section 138 of Negotiable Instruments Act vide which the petitioner has been declared proclaimed person and all the consequential proceedings arising out therefrom.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 04.02.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 11.02.2025 passed by learned Judicial Magistrate Ist Class, Bhiwani, in this regard.

3. Perusal of the order would reveal that the counsel for the complainant was also present when the order dated 11.02.2025 had been



CRM-M-6471-2025

2

passed by the Court concerned accepting the bail bonds of the petitioner so in these circumstances, service of respondent No.2 is dispensed with.

4. This aspect is not disputed by learned State counsel.
5. During the course of hearing on 04.02.2025, following order was passed:

“2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, having no concern with the allegations levelled in the complaint (Annexure P-1) titled ‘Ashok Kumar vs. Himanshu Panwar and another’, was summoned under Section 138 of the N.I. Act to face the trial vide order dated 27.01.2020 (Annexure P-6), passed by learned Judicial Magistrate Ist Class, Bhiwani. He contends that the petitioner never received any notice or warrants from the learned Trial Court and has wrongly been declared as proclaimed person vide the impugned order dated 18.11.2023 (Annexure P-4), without following the procedure laid down under Section 82 of the Cr.PC. He further refers to the complaint to submit that wrong address of the petitioner has been mentioned therein as the cheque in question as per the complaint itself pertains to Indigrow Networks Private Limited whereas the petitioner is alleged to be the Director in Ingnius IT Forte Private Limited in the complaint. He contends that the petitioner is ready to appear in the learned Trial Court and face the trial which is pending for 11.02.2025.

4. Notice of motion, returnable for 24.02.2025.

5. On the asking of the Court, Mr. Arun Kumar Gujja, AAG, Haryana, who is present in Court, accepts notice and prays for time to file status report in the matter.

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



CRM-M-6471-2025

3

7. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate on or before 11.02.2025 and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds.

8. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty 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.”

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 04.02.2025, passed by this Court, the present petition is allowed. The order dated 18.11.2023 (Annexure P-4), passed by learned Judicial Magistrate Ist Class, Bhiwani, is set aside and the interim bail granted vide order dated 04.02.2025, is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

24.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |