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

CRM-M No.7613 of 2025

Date of decision : 11.02.2025

Sanjeev Kumar @ Sanjeev Kumar Sharma

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Gupta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 20.09.2024 (Annexure P-8) passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhari along with all consequential proceedings arising therefrom in Criminal Appeal No.CRA/349/2023 arising out of judgment dated 16.11.2023 passed by the learned Judicial Magistrate First Class, Yamuna Nagar at Jagadhari in a complaint under Section 138 of Negotiable Instruments Act, 1881 bearing No.NIA/1809/2018 titled as 'Arjun Singh vs. Sanjeev Kumar' filed by respondent No.2/complainant, whereby the bail granted to the petitioner has been cancelled and his bail bonds are forfeited to the State and warrant of arrest has been issued against the petitioner. Further prayer has been made for staying the operation of impugned order dated 20.09.2024 as well as arrest of the petitioner during the pendency of the present petition by granting one more opportunity to the petitioner to



appear before the learned Lower Appellate Court as the fresh warrant of arrest has been issued against the petitioner for 07.03.2025

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in complaint bearing No.NIA/1809/2018. He has submitted that the petitioner has been falsely implicated in the present FIR. After registration of the FIR, the petitioner was granted bail by the learned trial Court vide order dated 05.02.2019. He has submitted that the petitioner was convicted under Section 138 of Negotiable Instruments Act vide judgment dated 16.11.2023 and sentenced to undergo simple imprisonment for a period of three months and to pay compensation of Rs.1 Lakh within one month vide order dated 17.11.2023. He has submitted that respondent No.2 had filed another similar complaint pertaining to cheque No.186967, dated 20.05.2018 amounting to Rs.75,000/- in which the petitioner has been declared proclaimed person vide order dated 20.11.2023 by the learned Judicial Magistrate First Class, Jagadhari. He has submitted that sentence awarded to the petitioner was suspended vide order dated 17.11.2023 to prefer an appeal and the petitioner has preferred an appeal before the learned Additional Sessions Judge, Yamuna Nagar at Jagadhari and thus his sentence was suspended during the pendency of the appeal subject to his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Court and further subject to deposit 20% of compensation amount before the learned trial Court within 60 days from 21.12.2023, which the petitioner has already deposited. He has submitted that the petitioner was regularly appearing before the trial Court. He has further submitted that the petitioner as well as his counsel



failed to appear before the learned Lower Appellate Court on the date fixed i.e. 20.09.2024 and thus, due to his absence, the learned lower Appellate Court had cancelled the bail order of the petitioner and his bonds were forfeited to the State vide order dated 20.09.2024. He has further submitted that the learned trial Court issued warrant of arrest against the petitioner. He has submitted that on 20.09.2024, the petitioner was ill and got his treatment from Arya Hospital, Ladwa Road, Railway Station, Mustafabad. He has submitted that absence of the petitioner was bona fide and not intentional and he never misuse the concession of bail granted to him. He has further submitted that the matter has been amicably resolved between the parties by way of compromise and the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He on the other hand has contended that the warrant of arrest was rightly issued against the petitioner and he is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. Mr. Arun Kumar Gupta, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 today in the Court and the same is taken on record. He has endorsed the contention raised by learned counsel for the petitioner that the matter has been amicably resolved between the parties by way of compromise.

6. I have heard counsel for the parties and perused the record.

7. It is apparent that the petitioner was prosecuted in complaint



bearing No.NIA/1809/2018 under Section 138 of Negotiable Instruments Act in which warrant of arrest was issued against him due to his absence. The reason for his absence has been given by the petitioner that was ill and got his treatment from Arya Hospital, Ladwa Road, Railway Station, Mustafabad. However the matter has been amicably resolved between the parties by way of compromise dated 21.01.2025. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 20.09.2024 (Annexure P-8) is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Spinal Rehab Centre, Sector 28-A, Madhya Marg, 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.

8. 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 20.09.2024 would come in force and the present petition would be deemed to have been dismissed.

11.02.2025
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(RAJESH BHARDWAJ)
JUDGE

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