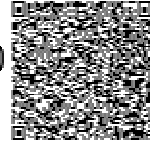


2025:PHHC:030680



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

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CRM-M-11856-2025 (O&M)

Date of decision: 04.03.2025

Girraj Bansal**...Petitioner****Versus****Krishiacharya Technologies Pvt. Ltd.****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 16.01.2025, passed by the Court of learned Judicial Magistrate First Class, Gurugram in case titled as ***Krishiacharya Technologies Pvt. Ltd. vs. Om Shri Shubh Labh Agritech Pvt. Ltd.***, arising out of complaint bearing No. NACT/48972/2022, filed under Sections 138 and 142 of the Negotiable Instruments Act, 1881, whereby exemption application as moved by the petitioner had been dismissed and non-bailable warrants had been issued against him.

2. Learned counsel for the petitioner has submitted that he has been falsely implicated in the aforesaid complaint. The petitioner is one of the directors of Om Shri Shubh Labh Agritech Pvt. Ltd. and has been arraigned as accused No. 2 in the aforesaid complaint. During the pendency of the complaint, the dispute stands amicably settled between the parties through settlement deed dated 02.08.2024, which has been placed on record before the

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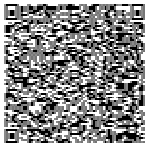


learned trial Court. The learned trial Court had adjourned the case to 16.01.2025 as part payment was to be made by the accused and extension of time was sought for the said purpose. However, the learned trial Court had declined the application moved by the petitioner seeking exemption from personal appearance and had issued non-bailable warrants against him for 02.05.2025 on the grounds that after being granted bail, several similar applications were filed on his behalf and that cost of Rs. 500/- was not deposited by the accused persons. Learned counsel for the petitioner further submits that his absence before the Court on the said date was neither intentional nor deliberate and he had moved aforesaid application under a *bona fide* belief that it would be allowed. He is ready to appear before the learned trial Court and abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is required to do so. It is, therefore, urged that the petition deserves to be allowed.

3. I have heard learned counsel for the petitioner at considerable length and have also gone through the material placed on record.

4. Admittedly, the petitioner was granted concession of bail by the learned trial Court and thereafter, on different occasions, his personal appearance before the Court was exempted on his moving applications for the said purpose. However, when the case was fixed for 16.01.2025, the application moved by him seeking exemption from personal appearance was dismissed by the learned trial Court and non-bailable warrants have been issued against him for 02.05.2025. The matter is stated to be amicably settled between the parties to *lis*. The petitioner is ready to appear before the learned

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trial Court and join the proceedings. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that the petitioner deserves some leniency in the matter. In view thereof, the present petition is disposed of. The petitioner is directed to appear before the learned trial Court on or before the date fixed before it and on doing so, he shall be released on bail by the learned trial Court, subject to his furnishing fresh personal/surety bonds to its satisfaction and subject to deposit of cost already imposed by the learned trial Court.

5. Till the time petitioner appears before the learned trial Court, his arrest shall remain stayed.

04.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No