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

**CRM-M-12757-2025
DECIDED ON: 10.03.2025**

KAMAL AHMAD**.....PETITIONER****VERSUS****M/S ANKUR TEXTILES****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Aditya Vermani, Advocate and
Mr. Shivam Shukla, Advocate
for the petitioner (Through Hybrid Mode).

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing of the Bailable Warrant dated 13.06.2024 (Annexure P-1), Non-Bailable Warrant dated 22.10.2024 (Annexure P-2) and Proclamation Order dated 22.01.2025 (Annexure P-3) issued against the Petitioner in Complaint Case No. NACT/486/2021, titled *M/s Ankur Textiles vs. Handloom Bhandar*, pending before the Ld. Judicial Magistrate, 1st Class, Hisar, under Sections 138/141 of the Negotiable Instruments Act, 1881 and the all consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner was stated to be residing at Noida and was not present at the office of Firm namely Handloom Bhandar, 650, Faithful Ganj, Kanpur, therefore, summons and subsequent bailable/non-bailable warrants could not be served and his presence could not be effected.

It is also candidly submitted on behalf of the petitioner that he came to know about the pendency of present complaint only in the month of December 2024 through a relative at Kanpur. He therefore, asserts that his absence before the trial Court is neither intentional, nor deliberate, but due to circumstances which were beyond his control.

Learned counsel for the petitioner having instructions would submit before this Court that the petitioner is ready and willing to join the trial proceedings and will surrender before the trial Court within a period of ten days.

In the light of above, without going into the merits of the impugned orders dated 13.06.2024, 22.10.2024 & 22.01.2025 (Annexures P-1 to P-3 respectively), this Court deems it appropriate that ends of justice would be met in case, the above undertaking is complied with on behalf of the petitioner. However, he shall also be liable to pay a penalty of Rs.10,000/-, which shall be paid to the Punjab & Haryana High Court Employees Welfare Association, a receipt of which shall be produced before the trial Court at the time of surrender.

The petitioner shall surrender before the trial Court within a period ten days from today and in case he moves an application seeking regular bail, the same be considered by the Court below preferably on that very day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.03.2025

Meenu

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