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

**CRM-M No.16703 of 2025
Date of decision : 26.03.2025**

Amandeep Singh

.....Petitioner

versus

M. C. Prashar

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashish K. Gupta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of order dated 28.01.2025 (Annexure P-7) and order dated 10.02.2025 (Annexure P-8) passed by the learned Court of JMIC, Panchkula in case titled 'M.C. Prashar vs. Amandeep Singh' bearing NACT No.180 of 2019, instituted on 07.02.2019, under Section 138 of Negotiable Instruments Act, 1881 pending before the Court of learned JMIC, Panchkula, now pending for 27.03.2025 along with all its consequential proceedings arising therefrom whereby the application for exemption of the petitioner was declined and warrants of arrest were issued against him vide Annexure P-7, Annexure P-8, the proclamation was ordered to be issued against the petitioner. Further prayer has been made for staying the operation of impugned order



dated 28.01.2025 and order dated 10.02.2025 during the pendency of the present petition and the petitioner may kindly be allowed to join the proceedings again while protecting his liberty and further for staying the proceedings before the learned trial Court.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was being prosecuted in the complaint bearing NACT No.180 of 2019 under Section 138 of Negotiable Instruments Act and he was duly appearing before the Court. He has submitted that due to his poor health condition, the petitioner could not appear before the learned trial Court and file an application for exemption from his personal appearance. However the same was declined and bail of the petitioner was cancelled and his bail bonds/surety bonds were forfeited to the State vide order dated 28.01.2025. He has further submitted that the learned trial Court issued warrants of arrest against the petitioner for 10.02.2025. He has submitted that vide order dated 10.02.2025, proceedings under Section 82 of Cr.P.C. was initiated against him and proclamation against him was issued. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions, if any, imposed upon him by the Court. Learned counsel for the petitioner has further stated that the matter has been compromised between the parties and the petitioner has agreed to pay a sum of Rs.2,90,00/- to the complainant in installments.

3. Heard.

4. As has been stated by learned counsel for the petitioner that



the matter has been compromised and the petitioner has agreed to pay an amount of Rs.2,90,000/- to the complainant in installments. A perusal of file shows that the petitioner was being prosecuted in a complaint case bearing NACT No.180 of 2019 under Section 138 of Negotiable Instruments Act in which his application for granting him exemption from personal appearance was declined and his bail was cancelled and bail bonds/surety bonds were forfeited to the State and the proclamation was ultimately issued against him. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts and the fact that the matter has been allegedly compromised between the parties, the present petition is disposed of and the impugned orders dated 28.01.2025 (Annexure P-7) and order dated 10.02.2025 (Annexure P-8) are hereby *set aside* subject to payment of costs of Rs.10,000/- to be paid to the complainant 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. The trial Court will issue notice to the complainant and on his appearance Rs.10,000/- cost deposited by the petitioner will be released to him forthwith. The petitioner will have protection from arrest for a period of 10 days from today.

7. 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 orders under challenge dated



28.01.2025 & 10.02.2025 would come in force and the present petition would be deemed to have been dismissed.

26.03.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	JUDGE Yes/No
	Whether reportable	:	Yes/No