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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21266-2025

DECIDED ON: 24.04.2025

DAYA RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harsh Garg, Advocate alongwith
Mr. Pulkit Goyal and
Mr. Ramneek Kaur Mann, Advocates
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of impugned orders dated 07.08.2024 (Annexure P-8) vide which non-bailable warrants were issued against the petitioner and order dated 19.12.2024 (Annexure P-10) vide which proclamation proceedings under Section 82 Cr.P.C., has been initiated passed in criminal complaint bearing No.COMA/628/2023 dated 19.01.2023 titled as “*The Ludhiana Central Co-operative Bank Ltd. vs. Daya Rani*” under Section 138 of NI Act.

Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the learned Trial Court. It is further submitted that on 22.03.2024, the matter could not be amicably resolved through the mediation process, and accordingly, it was adjourned to 20.05.2024 for issuance of notice of accusation and for the petitioner to furnish bail bonds. On 20.05.2024, as the Presiding Officer was on leave, the matter was taken up by the Duty Magistrate

and was adjourned to 26.07.2024. However, on 26.07.2024, the petitioner was unable to appear due to ill health, and an application seeking exemption from personal appearance was moved on his behalf. The said application was, however, dismissed by the learned Trial Court, and fresh notice was issued for appearance on 07.08.2024. On 07.08.2024, non-bailable warrants were issued against the petitioner, which, however, remained unexecuted and were not served upon him. Consequently, proclamation proceedings under Section 82 Cr.P.C. were initiated vide order dated 19.12.2024 (Annexure P-10).

In the light of above, learned counsel for the petitioner contends that the absence of the petitioner was neither intentional nor deliberate. He undertakes having instructions from the petitioner that he is ready and willing to surrender before the trial Court.

Be that as it may, without going further into the merits of the orders dated 07.08.2024 (Annexure P-8) & 19.12.2024 (Annexure P-10), once the petitioner is ready and willing to join the trial proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petition at this stage itself.

The impugned order dated 07.08.2024 (Annexure P-8) & 19.12.2024 (Annexure P-10) are hereby quashed. The petitioner shall surrender before the trial Court within a period of 10 days from today and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

This Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that the judicial process have been delayed.

As a penalty for causing delay in the judicial process, the petitioner is penalized with a penalty of Rs.10,000/-, which shall be paid to the Punjab & Haryana High Court Bar Clerk's Association, Chandigarh, a receipt of which shall be produced before the trial Court at the time of surrender.

However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that he will surrender before the trial Court within ten days.

The amount so deposited by the petitioner shall not be construed as cost for this order 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

24.04.2025
Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>