

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

129

CRM-M-42581-2025

Date of Decision : 06.08.2025

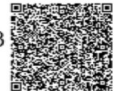
MADHU KUMARI AND ANOTHER**...Petitioners****VERSUS****M/S CONTINENTAL ENGINES PVT. LTD.****...Respondent****CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. Deepak Gupta, Advocate
for the petitioners.

AARADHNA SAWHNEY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of the order dated 08.05.2025 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Gurugram vide which the bail granted to the petitioners was cancelled and the petitioners were ordered to be summoned through warrants of arrest in a complaint case titled as "M/s Continental Engines Private Limited Vs. M/s Auto City & others bearing CIS No: NACT/47262/2022.

2. Learned counsel for the petitioners has submitted that a false case under Section 138 of the Negotiable Instruments Act was registered against the petitioners, in which they are likely to be acquitted. Continuing further, learned counsel pointed out that after the petitioners were granted bail by the learned trial Court on 31.05.2023, they had been regularly appearing before the Court and attending all the hearings. However, on 08.05.2025, while petitioners were travelling from Bihar to Delhi by train, the same got delayed. Resultantly, they reached the Court premises at about 03.45 PM, when they came to know that their



bail had been cancelled and bail bonds/surety bonds had been forfeited to the State. Immediately, thereafter, they moved an application for condoning the delay in appearing before the Court and for cancelling the non-bailable warrants. But the same was dismissed being not maintainable.

3. Learned counsel submitted that the petitioners could not appear before the learned trial Court, when the case was called for hearing on 08.05.2025, solely on the account of circumstances beyond their control and contended that petitioners never intended to evade the Court proceedings. Further they undertake to be present before the trial Court on each and every date of hearing. Primarily with this backdrop, it has been prayed that operation of impugned order dated 08.05.2025 be stayed.

4. Keeping in view the nature of the matter especially the factum of the case in hand arising out of the criminal complaint filed under Section 138 of the Negotiable Instruments Act, 1881, this Court does not deem it appropriate to call upon the respondents at this stage.

5. I have heard learned counsel for the petitioner and have perused the available record. Admittedly, after the grant of bail, petitioners had been appearing before the learned trial Court. However, on 08.05.2025, on account of reason mentioned in the petition, they could not appear before the learned trial Court when the case was called out for hearing.

6. Keeping in view the entirety of the facts and circumstances of the case; especially the fact that the prime object of cancellation of bail and forfeiture of bail bonds being securing the presence of the accused, the petitioners-accused having come forward themselves to face trial, willingness shown on their part to appear before the trial Court on each and every date, taking lenient view of the



matter, the present petition is disposed of with a direction to the petitioners to appear before the learned trial Court on 04.10.2025 i.e. the next date of hearing fixed in the said Court. On their appearance, their application for grant of bail shall be sympathetically dealt with in the light of the observations made hereinabove. This concession has been granted to the petitioners on the condition that they shall continue to appear regularly before the trial Court on each and every date of hearing. Further learned trial Court would be at liberty to impose such conditions upon the petitioners, as deem necessary, in the facts and circumstances of the case.

- 7. The petition stands disposed of in the aforesaid terms and condition.
- 8. Pending application(s), if any, stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

06.08.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No