

2025:PHHC:105583



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

**CRM-M-44160-2025
Date of Decision: 13.08.2025**

Rakesh Kumar @ Tashia Master

...Petitioner

Versus

Varun Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manik Makkar, Advocate
for the petitioner (Through video conferencing).

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 15.01.2025 (Annexure P-5) passed by the learned Additional Sessions Judge, Sri Muktsar Sahib, whereby the order vide which sentence of the petitioner was suspended by the learned Predecessor Court, stood revoked and intimation was sent to the learned trial Court to proceed against the petitioner in accordance with law to make him serve the sentence passed in NACT-11 of 2018 titled as **Varun Kumar Vs. Rakesh Kumar @ Tashia Master** (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the above mentioned complaint case. The petitioner was regularly appearing before the Ld. Appellate Court, but in between the petitioner was not intimated about the date of hearing by his counsel and hence, he could not appear on the date i.e. 15.01.2025 and his

order for suspension of sentence were revoked. The non-appearance of the petitioner was not deliberate but was due to lack of proper communication. He has submitted that the petitioner was not aware about the impugned order dated 15.01.2025. He has submitted that the petitioner is keen to join the proceedings. He has thus, submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion to the State at this stage.

4. On asking of the Court, Mr. J.S. Arora, DAG, Punjab appears and accepts notice on behalf of the State. He has opposed the submissions made by learned counsel for the petitioner and has stated that the Appellate Court has rightly revoked the order of suspension of sentence of the petitioner, who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in complaint case filed under Sections 138/142 of the Negotiable Instruments Act, 1881. As per, the petitioner, he was not aware about the date of hearing and thus, due to absence of the petitioner, his order of suspension of sentence was revoked. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is ready and keen to join the proceedings. So, keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 15.01.2025 whereby order of suspension of sentence was revoked is set aside subject to payment of Rs.10,000/- as costs to be paid to the complainant.

6. The petitioner is directed to appear before the Appellate Court within a period of 10 days from today and file an appropriate application along with receipt of cost of Rs.10,000/- and the learned Appellate Court, Sri Muktsar Sahib will admit him to bail during the pendency of the appeal and

proceed with the same as per law. Thereafter, notice be issued to the complainant and on his appearance, amount of Rs.10,000/- awarded as costs shall be paid to him forthwith. The petitioner will have protection from arrest in the present case for a period of 10 days.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he has no benefit of this order and the order dated 15.01.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

13.08.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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