



288 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-62777-2024 (O&M)
Date of Decision: 24.02.2025

SHIV KUMAR

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER ...Respondents
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Mr. Aditya Grover, Advocate for
respondent No. 2. (through v.c.)

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023, seeking quashing of the order dated 06.11.2024 passed by learned Judicial Magistrate Ist Class, Bathinda in complaint No. NACT 2124/2023 under Section 138 to 142 of Negotiable Instruments Act, titled as ***"S.K. Finance Limited Vs. Shiv Kumar"*** vide which bail bonds and surety bonds of the petitioner have been cancelled and non-bailable warrants have been issued against him.

2. Following order was passed on 17.12.2024:

"Notice of motion for 24.2.2025.

In the meantime, the petitioner is directed to surrender before the Trial Court within a period of one week from today. Upon surrender of the petitioner, learned Trial Court shall release the petitioner on interim bail subject to his furnishing bail bonds/surety bonds to its satisfaction.

The petitioner is specifically directed to be present before the Trial Court on each and every date of hearing as may be fixed by the Trial Court and to fully cooperate with the proceedings of the trial and not to seek any adjournment.

Today, learned counsel representing the petitioner stated at the bar that he has instructions from his client to the effect that he shall appear before the Trial Court on the date already fixed i.e. 7.2.2025 or even earlier in case the Trial Court prepones the case and shall get his statement recorded under Section 313 Cr.P.C. Learned counsel has submitted that the petitioner would not indulge in any dilatory tactics and at the most he may examine one local witness in his defence and shall himself take steps for securing his presence.

In case, the petitioner wishes to examine any witness he shall move an appropriate application before the Trial Court at the time of furnishing his bail bonds/surety bonds. The Trial Court, upon examining such application, may pass any order as deemed fit. In case, at any stage the Trial Court finds that the petitioner is not cooperating with the proceedings of the trial, it shall be open to the Trial Court to pass any appropriate order as deemed fit.

The Trial Court to furnish status report on the next date of hearing as regards the conduct of the petitioner.”

3. Learned counsel for the petitioner submits that in compliance of aforesaid order, the petitioner has already surrendered before the learned trial Court and his statement under Section 313 of Cr.P.C. has been recorded and now the case is fixed for defence evidence and petitioner will not delay the trial in any manner and would conclude his defence evidence within a period of 03 weeks.

4. In view of the above, the order dated order dated 06.11.2024 passed by learned Judicial Magistrate Ist Class, Bathinda vide which bail bonds and surety bonds of the petitioner have been cancelled and non-bailable warrants have been issued against him, is hereby set aside.

5. The petitioner is directed to appear before the learned trial on each and every date and conclude his defence evidence within the

stipulated period and in case learned trial Court finds that petitioner is not co-operating with the Court, the trial Court may pass an appropriate order, whichever is deemed fit in the facts and circumstances of the case.

6. Present petition is disposed of in aforesaid terms.

24.02.2025

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No