



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

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CRM-M No.31807 of 2026 (O&M)

Date of decision:29.05.2026

Rajendra Kumar Baid

.....Petitioner

Versus

Ind Swift Ltd.

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

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

Mr. Vidul Kapoor, Advocate for the respondent.

SURYA PARTAP SINGH, J. (Oral):

The extra-ordinary jurisdiction vested in this Court by virtue of Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as 'BNSS', has been invoked in the present petition. In the exercise of above mentioned jurisdiction the quashing of order dated 28.10.2024, hereinafter being referred to as 'impugned order' only, passed by the Court of learned Judicial Magistrate Ist Class Chandigarh, hereinafter being referred to as 'trial Court', has been sought.

2. In nut-shell the facts emerging from record are that petitioner is facing a prosecution for the commission of offence punishable under Section 138 of the Negotiable Instruments Act 1881, in a complaint case bearing No.28137 of 2013, titled as 'M/s Ind Swift Vs. Rajendra Kumar Baid', in the



trial Court. In the above mentioned case the petitioner was accorded the benefit of bail. While enjoying the liberty, on 28.10.2024 the petitioner could not appear before the learned trial Court, and therefore, his bail was cancelled and bonds were forfeited to the State. Subsequent thereto, vide order dated 19.04.2025, the petitioner was declared a proclaimed person.

3. It is also relevant to mention here that impugned order dated 28.10.2024 was challenged by the petitioner by filing an appeal in the Court of Sessions but the above mentioned appeal has been dismissed by the Court of Sessions, i.e. the Court of learned Additional Sessions Judge, Yamuna Nagar, on 17.04.2025.

4. It is also relevant to mention here that the order dated 19.04.2025 whereby the petitioner was declared proclaimed person was challenged by the petitioner in CRM-M-66777-2025 (Rajendra Kumar Baid Vs Ind. Swift Ltd.). The above mentioned petition filed by the petitioner has been allowed and the order dated 19.04.2025, vide which the petitioner was declared a proclaimed person, has been set aside.

5. In the backdrop of above mentioned developments, the petitioner has filed the present petition for quashing of order dated 28.10.2024.

6. Heard.

7. It has been contended on behalf of petitioner that petitioner is an old aged person residing at a distant place, i.e. Calcutta. According to learned counsel for the petitioner the petitioner had instructed his counsel to appear in



the Court on the date fixed, i.e. 28.10.2024, but due to suspension of work on the call of Bar Association, the counsel for the petitioner could not appear before the trial Court, to file an application seeking exemption from personal appearance of the petitioner. According to learned counsel for the petitioner due to above mentioned *bona fide* mistake the bail of the petitioner has been cancelled without issuing notice to the petitioner. According to learned counsel for the petitioner no fault can be attributed to the petitioner for his absence on 28.10.2024, and therefore, by setting aside the order dated 28.10.2024, the petitioner be admitted to fresh bail by restoring his previous bail order and bail bonds.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case it is an admitted fact that on 28.10.2024 the petitioner was not present in the Court and in his absence, vis-a-vis the absence of his counsel, the bail of the petitioner was cancelled and his bonds were forfeited. Since the absence of petitioner on 28.10.2024 is an admitted fact, there cannot be any quarrel with regard to the legal position that the learned trial Court had got a discretion to cancel the bail of the petitioner and forfeit his bail bonds. The above mentioned discretion has been duly exercised by the learned trial Court, and there is no apparent illegality or perversity in the above mentioned order passed by the learned trial Court. Thus, it is hereby observed that there is no scope for indulgence and interference in the impugned order passed by the learned trial Court.



10. As a sequel to above mentioned observations, it is hereby observed that the present petition is devoid of merit, deserves dismissal. Hence, the same is hereby **dismissed** accordingly.

11. However, in view of the fact that the petitioner is an old aged person, it is hereby ordered that, in case, the petitioner surrenders before the learned trial Court within a period of two months, from today, and moves an application for bail, the learned trial Court shall decide his bail application within three days. It is, however, clarified that the learned trial Court in the exercise of its discretion shall be at liberty to take the petitioner into custody and/or impose penalty under Section 491 of BNSS (erstwhile Section 446 of Cr.P.C), as per law.

(SURYA PARTAP SINGH)
JUDGE

29.05.2026
Manoj Bhutani

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