



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(130) CRM-M-37062-2023 (O&M)
DATE OF DECISION: 11.05.2026

Kamal Kant Dewan and anotherPetitioners

VERSUS

M/s BDS Commission Agent and othersRespondents

(130/2) CRM-M-37085-2023 (O&M)

Kamal Kant Dewan and anotherPetitioners

VERSUS

M/s. Mohinder Singh and sons,
Commission Agent and othersRespondents

(130/3) CRM-M-37061-2023(O&M)

Kamal Kant Dewan and anotherPetitioners

VERSUS

M/s. P.S.Maninder Singh Commission Agent and othersRespondents

(130/4) CRM-M-37045-2023(O&M)

Kamal Kant Dewan and anotherPetitioners

VERSUS

M/s. Yatharath Trading Co. Commission Agent and othersRespondents

CORAM HON’BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Aditya Grover, Advocate,
for the petitioners in all the petitions.

Mr. Rajeev Sharma, Advocate,
and Ms. Sony, Advocate,
for respondents no.1 and 2.



SUBHAS MEHLA, J (ORAL)

1. Since in all the aforementioned criminal miscellaneous petitions, petitioners are same and in all the petitions identical questions of fact and law is involved, therefore are being decided by this common order.

Facts are being taken from **CRM-M-37062-2025**.

2. Present petition has been filed under Section 482 Cr.P.C for quashing of impugned order dated 25.04.2023 (Annexure P-1), passed by Judicial Magistrate Ist Class, Tarn Taran, in complaint No. NACT 405-2017, dated 22.08.2017 titled as ‘M/s. BDS Commission and Anr. v. Bharat Foods Ltd. And Ors.’ under Sections 138-141 and 142 of Negotiable Instruments Act, 1881, as amended by the Negotiable Instruments (Amendment and Miscellaneous Provision Act, 2002), Act no.55 of 2002, whereby application for exemption from personal appearance of the petitioners was declined and non bailable warrants of arrest were ordered to be issued against them.

2. Learned counsel for the petitioners contends that on 09.11.2022, exemption application of petitioner no.1 was dismissed due to the reason that he moved the exemption applications on earlier occasions also i.e on 20.09.2021, 30.09.2021, 23.03.2022, 07.05.2022, 10.06.2022, 08.07.2022, 16.08.2022, 29.09.2022 and 27.10.2022, thereafter, in the light of directions of this Court given in order dated 09.12.2022, passed in CRM-M-57541-2022, petitioner no.1 surrendered before learned trial Court and was released on furnishing fresh bail bonds and surety bonds; that again both petitioners did not appear in Court and moved the exemption

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applications on 02.02.2023, 13.02.2023 and 20.03.2023, which were allowed on the said dates; that again application for exemption by both the petitioners was filed, which was dismissed vide impugned order dated 25.04.2023 (Annexure P-1), being filed on flimsy grounds and non bailable warrants of arrest were ordered to be issued against both of the petitioners and bail bonds and surety bonds were ordered to be forfeited in favour of the State; that absence of petitioners on 25.04.2023 was not intentional but was because of the reason that they had to visit doctor with father of petitioner no.2 for his treatment/consultation regarding chronic disease of live cancer; that criminal procedure is required to be construed as handmaid of justice, intended to secure a fair trial and to ensure the presence of the accused before the Court, rather than to impose punitive consequences for procedural defaults; that the petitioners are ready to join the proceedings and surrender before the learned trial Court and they will not misuse the concession of bail granted to them, in future.

3. In pursuance of advance notice, Ms. Navreet K. Barnala, Asstt. AG, Punjab appears on behalf of respondent/State and Mr. Rajeev Sharma, Advocate, appears on behalf of respondents no.1 and 2 and oppose the petition by submitting that the petitioners have misused the concession given by this Court and again remained absent despite surrendering before the learned trial Court and being released on bail and thus, they are not entitled for any relief.

4. Heard.



5. Learned counsel for the petitioners limited his prayer that petitioners are willing to join the proceedings at this stage and undertake that they will not misuse the concession of bail granted to them. Ergo, all the petitions are **disposed of** and petitioners are directed to surrender before the learned trial Court **within two weeks**, and move an appropriate bail application taking all the pleas regarding their non appearance on the relevant date and learned trial Court is directed to consider all their pleas and to decide their application in accordance with law. Till then the petitioners shall not be arrested by police.
6. However, it is made clear that if petitioners fail to appear before the learned trial Court within the stipulated period, then the relief granted by this Court shall deemed to have been withdrawn.
7. A photocopy of the order be placed on the connected petitions.

11.05.2026
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No