



CRM-M-17036-2025

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

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CRM-M-17036-2025

Date of decision : 27.03.2025

Kewal Krishan Kumar and another

... Petitioners

Versus

M/s Gurvinder Traders

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Lokesh Narang, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 528 BNSS, 2023 for setting aside the order dated 17.01.2025 (Annexure P-4) passed by the learned SRM/JMIC, Ambala vide which the petitioners were declared proclaimed persons in complaint case No.2757 dated 23.09.2019, under Section 138 of the Negotiable Instruments Act, titled as 'M/s Gurvinder Traders vs. Shakti Bhog Food Limited'.

2. Learned counsel for the petitioners contended that the petitioners were arrested in another cases filed by the Enforcement Directorate and were released on bail vide orders dated 17.03.2023 (Annexure P-2) and 15.01.2025 (Annexure P-3) respectively. Since, the petitioners were not summoned properly, they were not aware about the proceedings pending before the trial Court and therefore, they could not appear before the trial Court. It is, therefore, prayed that the petitioners may be permitted to surrender before the

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learned trial Court to attend the trial proceedings continuously and the impugned order may be set aside.

3. I have heard learned counsel for the petitioner and gone through the case file.

4. In view of the limited prayer made by the counsel for the petitioner, this Court deems it appropriate to decide this case without issuing notice to the respondents. Keeping in view the totality of the facts and circumstances of the case and the limited prayer made by the counsel for the petitioner, the order dated 17.01.2025 (Annexure P-4) passed by the learned SRM/JMIC, Ambala is set aside. The petitioners are directed to surrender before the learned trial Court within 07 days and move an application for regular bail. The trial Court is directed to consider and decide the same on the very same day.

7. The petition stands allowed.

(H.S.GREWAL)
JUDGE

27.03.2025
A.Kaundal

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