



CRM-M-19422-2025

1

In the High Court of Punjab and Haryana at Chandigarh

141

CRM-M-19422-2025

Date of Decision: 08.04.2025

NIRMAL KUMAR**.....PETITIONER****VERSUS****STATE OF HARYANA AND ANR****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE H.S.GREWAL**

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS for quashing of order dated 19.03.2025 (Annexure P-7) vide which the petitioner has been declared as proclaimed person by the learned JMFC (Exclusive Court under NI Act) Bahadurgarh, District Jhajjar arising out of complaint bearing No. COMA 518/2019 dated 29.07.2019 titled as Yogesh Kumar Vs. Nirmal Kumar under Section 138 of the Negotiable Instrument Act along with further prayer that the operation of impugned order dated 19.03.2025 be stayed.

2. Learned counsel for the petitioner submits that the petitioner was facing trial for commission of offence under Section 138 of Negotiable Instrument Act for dishonouring of the cheques amounting to Rs. 4,50,000/-. He further submits that the petitioner could not appear on 24.07.2023 as he has noted the wrong date of hearing. As such the learned trial Court cancelled the bail orders of the petitioner and his bail bonds and surety bonds were ordered to be forfeited. Non-bailable warrants of arrest against the petitioner have been issued. It is also stated that the proper procedure under Section 82 Cr.P.C has also not been followed. The petitioner may be permitted to surrender before the

**CRM-M-19422-2025****2**

learned trial Court to attend the trial proceedings continuously and, therefore, requests that the impugned order may be set aside. The petitioner undertakes to appear before the trial Court regularly and not seek any exemption from appearance.

3. Notice of motion.

4. On the asking of the Court, Ms. Ankita Ahuja, AAG, Haryana accepts notice on behalf of the respondent-State.

5. I have heard learned counsel for the parties and gone through the case file.

6. In view of the limited prayer made by the learned counsel for the petitioner, this Court deems it appropriate to decide this case without issuing notice to respondent No.2, the order dated 19.03.2025 passed by the learned Judicial Magistrate First Class(Exclusive Court under NI Act), Bahadurgarh, District Jhajjar is set aside. The petitioner is directed to surrender before the learned trial Court within 07 days from the date of receipt of certified copy of this order and on his doing so, he be released on bail to the satisfaction of learned trial Court subject to payment of Rs.15,000/- as costs to be paid to the complainant.

7. Accordingly, the petition stands allowed.

08.04.2025*remu***(H.S.GREWAL)
JUDGE**

Whether speaking/ reasoned :

Yes/No

Whether Reportable :**Yes/No**