



122

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

**CRM-M No.44518 of 2025  
Date of decision : 18.08.2025**

**Sudesh Kumar**

**.....Petitioner**

**versus**

**State of Punjab and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. Mitul Singh Rana, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for setting aside the impugned order dated 06.06.2025 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Mukerian in NACT No.20 of 2021, dated 24.02.2021 (Annexure P-1) vide which the non bailable warrants of the petitioner were issued and his bail bonds were cancelled and forfeited to the State and to allow the petitioner to appear before the trial Court and rejoin the proceedings after furnishing fresh bail bonds and surety bonds.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed for the offence punishable under Section 138 of Negotiable Instruments Act, 1881. He has submitted that after registration of the complaint, the petitioner was regularly appearing before the learned trial Court. He has further submitted that



when the petitioner was not available, exemption applications were always moved. He has submitted that on 06.06.2025, due to some miscommunication between the petitioner and his counsel, application for personal exemption was not filed by his counsel and thus, for the said reason, he was marked absent. He has further submitted that due to non-appearance of the petitioner before the learned trial Court on the date fixed, i.e. 06.06.2025, his bail order was cancelled and bail bonds were forfeited to the State. He has submitted that warrants of arrest were also issued against the petitioner. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has further submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

3. Notice of motion to official respondent No.1 at this stage.

4. On the asking of the Court, Mr. J. S. Arora, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He, on the other hand, has contended that bail order of the petitioner was rightly cancelled by the learned trial Court and warrants of arrest were issued against him, as he failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted for the offence punishable under Section 138 of Negotiable Instruments Act in which bail order was cancelled and bail bonds were forfeited to the State. Warrants of arrest were also issued against the petitioner due to his non appearance before the learned trial Court. The reason given by the petitioner for his absence is that there is a miscommunication between



him and his counsel and thus, exemption application of the date fixed was not filed. However, due to his non appearance, bail order of the petitioner was cancelled, bail bonds were forfeited to the State and warrants of arrest were also issued against the petitioner. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 06.06.2025 is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. The petitioner will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 06.06.2025 would come in force and the present petition would be deemed to have been dismissed.

18.08.2025

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

**(RAJESH BHARDWAJ)**  
**JUDGE**