

CRM-1455-2025 in/and
CRR-96-2025 (O&M)

2025:PHHC:006010



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-1455-2025 in/and
CRR-96-2025 (O&M)
Date of Decision: January 16, 2025

Dimple Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.K.S.Sidhu, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

CRM-1455-2025

For the reasons mentioned in the application, the same is allowed. Delay of 124 days in filing the revision petition is condoned.

CRM-1456-2025

Application is allowed, as prayed for.

CRR-96-2025 (O&M)

1. Petitioner has filed the present revision petition impugning the order dated 12.07.2024, passed by learned Judicial Magistrate Ist Class, Bathinda, whereby the present petitioner was declared proclaimed person in a complaint bearing CIS No.NACT-5809-2023, titled as '**Anu Product Limited vs M/s Hanuman Presticides**', filed under Section 138 of Negotiable Instrument Act by respondent/complainant against the petitioner- Dimple Kumar, being proprietor of M/s Hanuman Pesticide, Patiala Road,



Ghagga.

2. Learned counsel for the petitioner has submitted that petitioner was summoned by the trial Court. He submits that due to ill health of his father, who ultimately died on 13.02.2024, the petitioner could not appear before the trial Court and remained absent. However, he duly informed his counsel about the serious illness of his father, but his counsel did not file any application before the trial Court for his personal exemption and he was declared a proclaimed person vide impugned order, dated 12.07.2024. He submits that the petitioner is ready to join the proceedings before the trial Court and face trial.

3. Notice of motion to official respondent only at this stage.

4. On asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State and has stated that the learned Court has rightly declared the petitioner as proclaimed offender as he had failed to appear before it without any reasonable cause.

5. After hearing learned counsel for the parties, it is apparent that the petitioner, as alleged by learned counsel, could not appear before the trial Court due to ill health of his father, who died on 13.02.2024. However, in view of the fact that complaint against the petitioner is under Section 138 of Negotiable Instrument Act and as petitioner is now ready to face the trial, this Court deems it appropriate to grant him one opportunity to surrender before the trial Court and face the trial. Hence, the present petition is disposed of. Order dated 12.07.2024 is set aside subject to payment of Rs.5,000/- as costs to be deposited with Punjab and Haryana High Court Bar

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Association, Chandigarh, within a period of seven days' from today. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an application for bail alongwith receipt of abovesaid costs and if he does so, the Court concerned would admit him to bail during pendency of the trial on his furnishing bail/surety bonds subject to its satisfaction and proceed with the trial as per law. He will have protection from arrest for a period of ten days from today. 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 12.07.2024 would come in force and the present petition would be deemed to have been dismissed.

January 16, 2025

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No