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**131 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M-29987-2025  
Date of decision: 28.05.2025****RAJ KUMAR BHAGIRATH** .....Petitioner

Versus

**MANJIT KAUR AND ANOTHER** .....Respondents**CORAM: HON'BLE MR. JUSTICE H.S. GREWAL****Present:** Mr. Vikas Bali, Advocate for the petitioner.

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**H.S. GREWAL J. (Oral)**

1. The petitioner is seeking quashing of order of proclamation dated 21.04.2023 (Annexure P-8) and 05.07.2023 (Annexure P-16) passed by learned Judicial Magistrate Ist Class, Ludhiana whereby bail bonds/ surety bonds were cancelled and forfeited and the petitioner was declared as proclaimed person in complaint titled as "Manjit Kaur Vs. Raj Kumar Bhagirath" bearing COMA-779 of 2017 dated 20.01.2017 under Section 138 of Negotiable Instruments Act, 1881 read with Section 420 IPC.

2. It is contended that counsel for the petitioner had expired and the petitioner was under the impression that his application seeking permanent exemption has been filed by the learned counsel and the same has been allowed. However, the learned counsel had not filed any such application and the petitioner was unaware of the trial proceedings. Resultantly, vide order dated 21.04.2023, bail bonds/ surety bonds of the petitioner were cancelled and nonailable warrants were issued. Thereafter, vide order dated 05.07.2023, the petitioner was declared as proclaimed person.

3. Learned counsel for the petitioners, on instructions submits that the petitioners undertake to appear before the trial Court concerned on each and every date and shall not seek any exemption for their personal appearance on any date of hearing before the trial Court. Hence, in the aforementioned facts and circumstances, the petitioner prays that directions be issued to the Trial Court concerned that his bail application, which he would be filing on his surrender, be decided expeditiously.



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4. I have heard learned counsel for the petitioner and perused the material placed on record.

5. Keeping in view the facts of the case, the service of respondent is dispensed with as it will delay the proceedings.

6. In view of the above, the instant petition is allowed and order dated 21.04.2023 (Annexure P-8) and 05.07.2023 (Annexure P-16) passed by learned Judicial Magistrate Ist Class, Ludhiana, in complaint titled as “Manjit Kaur Vs. Raj Kumar Bhagirath” bearing COMA-779 of 2017 dated 20.01.2017 under Section 138 of Negotiable Instruments Act, 1881 read with Section 420 IPC are set aside, subject to the condition that the petitioner shall appear and move an application for bail before the trial Court concerned within a period 07 days from today subject to payment of costs of Rs.20,000/- to be paid to the complainant and the concerned Court shall release the petitioner on bail on the same day, subject to his furnishing bail bonds/ surety bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the petitioner-accused conduct.

7. It is made clear that in case, the petitioner fail to surrender before the Court concerned within 07 days from today, this order shall be of no avail to him, thereafter.

**28<sup>th</sup> May, 2025**

*Sonia Puri*

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

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