



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

244

CRR-124-2025 (O&M)

Date of Decision:- 21.02.2025

DIMPLE KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Kirandeep Kaur, Advocate for
Mr. Kamaldip Singh, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The present revision petition has been preferred by the petitioner seeking quashing of the impugned order dated 10.07.2024 passed by the Court of learned Judicial Magistrate First Class, Bathinda, whereby the petitioner was declared as proclaimed person in Complaint i.e. CIS No.NACT-5659-2023 titled as 'Anu Product Limited Vs. M/s Hanuman Pesticides' filed under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 18.01.2025 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 24.01.2025, passed by Judicial Magistrate First Class, Bathinda, whereby the petitioner has been admitted



on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 18.01.2025, the following order was passed.

“2. It is inter alia contended by learned counsel for the petitioner that the petitioner never received any notice or warrant and for that matter even no proclamation was effected in this case. He has referred to the order dated 06.05.2024 passed by learned Judicial Magistrate and submit that the proclamation was issued on 06.05.2024 for 03.06.2024, whereas the statement of serving official was ordered to be recorded on 10.07.2024.

3. Learned counsel for the petitioner further submits that it is evident from the order dated 03.06.2024 that the proclamation is stated to have been received back and the case was adjourned to 10.07.2024 when the impugned order was passed. He submits that there had not been any proclamation for 10.07.2024 requiring the petitioner to appear before the concerned Court and the procedure adopted by the learned Trial Court is not in consonance with the provisions of Section 82 Cr.P.C.

4. Notice of motion.

5. On the asking of the Court, Mr. Ankit Grewal, DAG Punjab, present in Court, accepts notice on behalf of the State-respondent.

6. Notice to respondent No.2. Dasti as well.

7. In the meanwhile, the petitioner is directed to appear before the learned Trial Court within seven days from today and in the event of his arrest, he is ordered to be released on interim bail to the satisfaction of the learned Court. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law. 8. List on 21.02.2025.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the



order dated 18.01.2025 passed by this Court, the present petition is allowed. The order dated 10.07.2024 passed by the Court of learned Judicial Magistrate First Class, Bathinda is set aside and the interim bail granted vide order dated 18.01.2025 is hereby confirmed.

7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

21.02.2025

S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |