

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

CRM-M-23952-2015

Date of decision: 24.7.2015

Mahinder Jain

...Petitioner

Versus

Kaithal Tractors, Kaithal and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mrs.Sharmila Sharma, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under section 482 of the Code of Criminal Procedure has been filed for setting aside the order dated 13.5.2015 passed in Criminal Complaint No. RBT-58 /2 of 2011 dated 4.6.2011, under Section 138 of the Negotiable Instruments Act titled as “Ajay Trading Company and another vs. Kaithal Tractors (PDR), Kaithal through its partner Ravi Jaitli and another” and order dated 28.5.2015 passed in CRA 7 of 2013 pending before learned Sessions Judge, Kaithal.

It is submitted on behalf of the petitioner that he committed default in appearance on 13.5.2015 during appeal proceedings pending before learned Sessions Judge, Kaithal. On account of his non-appearance, his bail was cancelled and Bonds furnished were forfeited to the State. Learned counsel further submits that the petitioner is still

ready to deposit the balance amount due against him as per the compromise arrived at between him and the complainant during appeal proceedings. Out of the total amount i.e. Rs.10 lacs, he has already paid Rs.6,05,000/- and two demand drafts of Rs.1,65,000/- (1,20,000+40,000) have already been got prepared by him, photocopies of which are annexed with the petition as Annexure P-4.

Having heard learned counsel for the petitioner and without commenting on merits of the case, the present petition is disposed of with a direction to the petitioner to appear before learned trial Court on 1.8.2015 and furnish fresh bail bonds. On his doing so, he shall be admitted to bail. He will deposit the draft of Rs.1,65,000/- as stated above with the trial Court.

24.7.2015
gsv

(SNEH PRASHAR)
JUDGE