

CRM-M-13471-2016 (O&M)

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

**CRM-M-13471-2016 (O&M).
Decided on: April 23, 2016.**

Gurmeet Singh

..... Petitioner(s)

Versus

State of Punjab and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Dhirinder Chopra, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Petitioner while facing proceedings under Section 138 read with Section 142 of the Negotiable Instruments Act, in the Court of Judicial Magistrate First Class, Moga, absented on 4.3.2016 resulting in issuance of non-bailable warrants.

Faced with said situation, apprehending arrest, the petitioner filed an application for pre-arrest bail which has been dismissed by the Sessions Judge, Moga, on the ground that petitioner had sought exemption from personal appearance in the trial Court on three dates prior to 4.3.2016, as such, no special circumstances existed to grant the concession of anticipatory bail.

Counsel for the petitioner submits that the petitioner had been suffering from heart ailment on account of which he was unable to appear on 4.3.2016.

I have heard the counsel for the petitioner and gone through the circumstances mentioned in the impugned order for declining concession of pre-arrest bail to the petitioner.

Without expression of any opinion regarding the authenticity of the ground put forth by the petitioner for non-appearance on different dates of hearing, in the interest of justice, I deem it appropriate to give a fair opportunity to the petitioner to appear before the trial Court. However, a balance is required to be struck between the rights of the complainant for expeditious disposal of the case and the unnecessary harassment and the right of the personal liberty of the petitioner.

This petition is disposed of in limine with a direction that the petitioner will put in appearance before the trial Court on 27.4.2016 along with a bank draft or cash amount of Rs.15,000/-. The said amount will be payable to the complainant as costs for unnecessary harassment and delay caused on account of absence of the petitioner on various dates of hearing. The said amount will be deemed to be compensation/costs of adjournments under provisions of Section 309 Explanation II Cr.P.C. It is made clear that in case this order is not complied with by the petitioner, this petition will be deemed to have been dismissed.

Since this Court has opted to dispose of this petition in limine to protect the complainant from unnecessary litigation expenses and harassment of appearance in the High Court, it will be

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open to the complainant to approach this Court in case the complainant is not satisfied with the order.

April 23, 2016.
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(M.M.S. BEDI)
JUDGE