

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-15566 of 2016

Date of Decision: May 6, 2016

Ashok Kumar

.....Petitioner

Vs.

State of Punjab and anr.

.....Respondents

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

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Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

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

Petitioner is an accused in proceedings under Section 138 of the Negotiable Instruments Act. For having absented on March 5, 2016, the trial Court opted to cancel his bail bonds and issue non-bailable warrants. His application for pre-arrest bail was dismissed directing him to appear before the trial Court and move an application with simultaneous direction that the application would be decided on the same day. In view of no protection on appearance pursuant to non-bailable warrants, petitioner has approached this Court.

I have considered the facts and circumstances of this case. The petitioner is facing trial in a bailable offence. On account of his absence on March 5, 2016, non-bailable warrants have been issued against him raising an apprehension of arrest.

Without entering into the controversy regarding the sufficiency of reasons for non-appearance on March 5, 2016, in the interest of expeditious disposal of the proceedings under Section 138 of the Negotiable Instruments Act, without causing any further harassment to the complainant, I deem it appropriate to dispose of this petition in limine.

This petition is disposed of with a direction that petitioner will put in appearance before the trial Court within a period of 15 days alongwith a bank draft of Rs.15,000/- in the name of the complainant and in case of petitioner's doing so, he will be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court. The said bank draft will be handed over to the complainant by the Presiding Officer of the trial Court. The said amount will be deemed to be a cost as per the provisions of Explanation 2 of Section 309 Cr.P.C.

Since this petition has been disposed of in limine to avoid unnecessary harassment and expenditure to the complainant and in the interest of expeditious disposal of this case, it is observed that in case the order is not acceptable to the complainant, it will be open to the complainant to approach this Court raising objections by not accepting the cost, however, it is observed that in such circumstances the petitioner will not be arrested

for a period of next 10 days in order to enable him to avail the legal remedy
by approaching this Court.

May 6, 2016
sanjay

(M.M.S.BEDI)
JUDGE