

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-16168 of 2016

.....

Date of decision:22.8.2016

Sandhuri Lal Mittal

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. R.S. Modi, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in Criminal Appeal No.20 dated 9.10.2013 titled as “Sandhuri Lal Mittal Versus Vinod Kumar Garg” in Complaint No.117 dated 30.4.2010 (Annexure-P2) pending before Sessions Judge, Mansa, for the offence under Section 138 of Negotiable Instruments Act, 1881.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

Learned counsel for the petitioner mainly argued that the petitioner could not appear before the learned appellate Court on a particular date and the order of the bail was cancelled and bail bonds were forfeited to the State. He further argued that the absence of the petitioner was for bona fide reasons and the intention was not to evade the Court proceedings. Learned counsel for the petitioner further argued that in view of the interim order dated 11.5.2016 passed by this Court, the petitioner has already appeared before the trial Court and he has been released on bail by the trial Court and he has also deposited ₹10,000/- with the District Legal Services Authority, Mansa.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner has absented during the appeal proceedings and has already appeared before the appellate Court and he has already been released on interim bail, no useful purpose will be served by sending the petitioner to custody.

Therefore, I find merit in this petition and the same is allowed. The interim order dated 11.5.2016 passed by this Court granting interim bail to the petitioner is made absolute.

August 22, 2016.

(Inderjit Singh)
Judge

hsp

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