

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18909 of 2016 (O&M)

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Date of decision:10.8.2016

Rupinder Singh

...Petitioner

v.

Baljinder Singh and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. H.P.S. Ghuman, Advocate for the petitioner.

Mr. B.S. Khehar, Advocate for respondent No.1.

Ms. Shivali, Assistant Advocate General, Punjab for
respondent No.2-State.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in complaint bearing No.210/2015 dated 13.8.2015, filed under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'NI Act'), titled as “Baljinder Singh Vs. Rupinder Singh” pending in the Court of Judicial Magistrate Iast Class, Samana, Distt. Patiala.

Notice of motion has been issued in this case.

Mr. B.S. Khehar, learned Advocate has put in appearance on behalf of respondent No.1 and Ms. Shivali, learned Assistant Advocate

General, Punjab has appeared for respondent No.2-State and contested this petition.

I have heard learned counsel for the petitioner and learned counsel appearing for respondent No.1 as well as learned Assistant Advocate General, Punjab appearing for the respondent No.2-State and have gone through the record.

It has been stated that the petitioner was summoned and he appeared before the trial Court on 2.11.2015 and was released on bail. Later on, he could not appear before the trial Court and his bail bonds were forfeited to the State and non-bailable warrants were issued. The interim order was passed by this Court on 27.5.2016 asking the petitioner to surrender before the trial Court, but the learned counsel for the petitioner stated that the petitioner was ready to appear before the trial Court, but he was late by one day.

Keeping in view the facts and circumstances of the present case and after going through the record, I find that the petitioner has only absented from the trial Court proceedings in a complaint case filed under Section 138 of the NI Act, which is bailable. Sufficient explanation has been given for the absence of the petitioner.

Therefore, this criminal miscellaneous petition is allowed and the petitioner is directed to surrender before the trial Court within seven days and the trial Court will release him on bail to its satisfaction. If the petitioner fails to appear within the stipulated time, then this bail petition shall be treated as dismissed.

Copy of this order be given dasti under the signatures of Court
Secretary of this Court.

August 10, 2016. **(Inderjit Singh)**
Judge

hsp

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