

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-23522 of 2016

Date of Decision: July 14, 2016

Harbhajan Singh

.....Petitioners

Vs.

State of Punjab and anr.

.....Respondents

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

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Present:- Proxy counsel for Mr. Rahul Bhargava, Advocate
for the petitioner.

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

Petitioner absented on April 21, 2016 in the proceedings under Section 138 of the Negotiable Instruments Act resulting in cancellation of the bail bonds and raising an apprehension of arrest.

The application for pre-arrest bail filed by the petitioner has been disposed of by the Sessions Court observing that the petitioner intentionally absented and a direction has been given that he would appear before the trial Court and his application would be decided on the same day.

It appears that the liberty of the petitioner has not been protected while giving the direction to him to appear before the trial Court,

while giving him an opportunity to explain the circumstances in which he had absented on April 21, 2016.

Since the petitioner apprehends arrest on account of non-appearance in a private complaint, I deem it appropriate to dispose of this petition in limine with an objective to save the complainant from unnecessary harassment and litigation expenses.

This petition is disposed of with a direction that the petitioner will put in appearance before the trial Court within a period of 15 days along with a bank draft of Rs.15000/- in the name of the complainant and in case of petitioner's doing so, he will be released on bail on his furnishing fresh bail bonds to the satisfaction of the trial Court. The trial Court shall hand over the bank draft to the complainant as cost for unnecessary harassment and delay caused on account of the conduct of the petitioner and would be deemed to be cost under provisions of Section 309 Explanation 2 Cr.P.C. It is made clear that in case of non-compliance of the above said order within a period mentioned hereinabove, this petition will be deemed to have been dismissed.

July 14, 2016
sanjay

(M.M.S.BEDI)
JUDGE