

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24246 of 2016 (O&M)
DECIDED ON: August 05, 2016

SANDEEP KHAN

.....PETITIONER..

VERSUS

MAGMA FINCORP

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. N.S. Setia, Advocate for
Mr. Siddharth Gupta, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

CRM-21571-2016

Allowed as prayed for.

Main case

Instant petition has been preferred under Section 438 of the Code of Criminal Procedure by Sandeep Khan, seeking pre-arrest bail, in Criminal Complaint No. 293, dated 21.10.2013, captioned as “*Magma Fincorp vs. Sandeep Khan*”, under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1).

2. Perusal of file transpires that complaint case was listed before the 1d. trial court on 12.01.2016 but due to illness, the petitioner could not appear in the Court. As a result of which, his bail order as well as bail bonds were cancelled and forfeited to the State. He was summoned through non-bailable warrant of arrest.

3. In support of his contention that the petitioner was ill and could not

appear in the Court, learned counsel for the petitioner has referred to prescription slip, which discloses that the petitioner was advised rest w.e.f. 09.01.2016 to 13.01.2016.

4. It appears that the absence of petitioner on 12.01.2016 before the ld. trial court was not intentional but due to the reason that he was suffering from illness.

5. Accordingly, petition is allowed and petitioner is directed to surrender/appear before the ld. trial court, who shall be released him on bail at its satisfaction.

6. While parting with this order, it is made clear that if the respondent-complainant feels aggrieved of this order, he may approach this Court.

August 05, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*