

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRM M-24387 of 2016

Date of Decision: July 21, 2016

Surinder Pal

.....Petitioner

Vs.

Jaswant Rai

.....Respondent

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

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Present:- Mr.Deepak Arora, Advocate  
for the petitioner.

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

Petitioner absented before the Appellate Court after having been convicted in proceedings under Section 138 of the Negotiable Instruments Act.

Counsel for the petitioner submits that the petitioner had noted a wrong date as July 4, 2016 instead of July 1, 2016.

A perusal of the order passed by the Additional Sessions Judge dated July 1, 2016 indicates that even counsel for the appellant had not appeared as such no opinion can be expressed regarding the reasonableness of non-appearance on July 1, 2016.

In peculiar circumstances of this case, without entering into the controversy regarding the reasons for non-appearance on July 1, 2016, in the interest of expeditious disposal of the criminal proceedings and taking into consideration the unnecessary harassment which has been caused to the complainant, be being present on the date of hearing, I deem it appropriate to dispose of the present petition in limine to avoid unnecessary further harassment and litigation expenses to the complainant.

This petition is disposed of with a direction that petitioner will put in appearance before the Appellate Court on or before July 29, 2016 along with a bank draft of Rs.15000/- in the name of the complainant which will be deemed to be cost of adjournment payable to the complainant as per explanation 2 of Section 309 Cr.P.C. In case of petitioner's doing so, he will be released on bail on his furnishing fresh bail bonds/ surety bonds to the satisfaction of the said Court. The bank draft will be handed over to the complainant as costs.

Since this petition has been disposed of in limine, it will be open to the complainant to approach this Court in case he is not satisfied with the order.

July 21, 2016  
sanjay

(M.M.S.BEDI)  
JUDGE