

Sr. No. 202

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M- 29424 of 2015
Date of Decision: 02.03.2016**

Kamal Attri

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Anandeshwar Gautam, Advocate,
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

Mr. N.K.Wadehra, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA. J (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail in a complaint case No.133 dated 08.10.2011 under Section 138 of Negotiable Instruments Act, pending in the Court of the Chief Judicial Magistrate, Gurdaspur.

During the course of arguments, it has gone uncontroverted that proceedings under the Negotiable Instruments Act having been initiated by the complainant, the petitioner/accused was bailed out. However, he absented on 29.04.2015 and, accordingly, his bail bonds were cancelled.

It is also the conceded position to the fact that an

application under Section 438 Cr.P.C. had been filed by the petitioner and the same was dealt with in the light of order dated 23.06.2015 passed by the learned Additional Sessions Judge, Gurdaspur and in the light of such order even though relief of anticipatory concession was denied but it was directed that in case the petitioner surrenders and application for bail is moved, the same would be considered as far as possible on the same date itself.

Conduct of the petitioner is such that prayer for anticipatory bail made in the present petition cannot be accepted.

In spite of the limited relief granted to him vide order dated 23.06.2015 which was passed in the presence of the counsel for the petitioner he has chosen not to join trial proceedings. He did not surrender before the trial Court. Proclamation proceedings having been issued. Petitioner has already been declared a proclaimed person. There is no challenge to the PO proceedings.

Confronted with such a situation, counsel appearing for the petitioner would undertake that the petitioner would surrender before the trial Court within a period of one week from today and prays that if an application for regular bail is moved, directions be issued for deciding the application on the same very date.

In view of the statement made by counsel, the present petition is dismissed as not pressed.

It is, however, observed that in case the petitioner surrenders before the trial Court within a period of one week from today and moves an application for regular bail, the same would be considered on merits and the trial Court would make an endeavour to

expedite disposal of the same.

Disposed of.

02.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**