

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

(134)

CRM-M-31728-2016

Decided on: September 07, 2016.

Sushila

.... Petitioner

Versus

Ajay Kumar

..... Respondent

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

Present: Mr. Rajeev Sharma, Advocate, for the petitioner.

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

The petitioner has been convicted by the trial Court under Section 138 of the Negotiable Instruments Act. During pendency of the appeal, the petitioner did not appear on 12.08.2016 and moved an application through her husband for exemption from personal appearance. The said application has been dismissed cancelling the bail bonds/surety bonds of the petitioner. The present petition under Section 482 Cr.P.C has been filed for setting aside the order cancelling the bail.

I have considered the facts and circumstances of the case.

It appears that the appeal is at final stage of arguments.

Learned counsel for the petitioner informs that 10 per cent of the amount of the cheque in dispute, has already been deposited. Subject matter of the dispute is a cheque of Rs.24,60,000/-.

Without entering into the controversy regarding the reasonableness of the non-appearance on 12.08.2016, I deem it appropriate to dispose of this petition in limine, in the interest of justice and to save the complainant from further delay and harassment.

This petition is disposed of with a direction that the petitioner will put in appearance before the lower Appellate Court on or before 24.10.2016 along with a bank draft of Rs.20,000/- in the name of the complainant. The said amount will be paid to the complainant as cost of adjournment and for unnecessary harassment caused due to delay in adjudication of the matter and will be deemed to be cost under Explanation 2 of Section 309 Cr.P.C. In case of petitioner doing so, she will be released on bail on her furnishing fresh bail bonds/surety bonds to the satisfaction of the lower Appellate Court.

In case, the order is not acceptable to the complainant-respondent, it will be open to him to approach this Court for review of the order.

It is further directed that in case of non-compliance of the order, this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

September 07, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No