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

**CRM-M-36266 of 2016**

**Date of decision: October 07, 2016**

Balwinder Singh

.....Petitioner

Versus

M/s Padam Motors

.....Respondent

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI**

**Present:** Mr. Vishal Sharma, Advocate  
for the petitioner.

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**A.B. CHAUDHARI, J (Oral)**

Rule. Heard forthwith learned counsel for the petitioner.

With the consent of the learned counsel for the petitioner,  
this petition is converted into the proceedings under Section 482 of  
Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') by the order of  
this Court.

This is a petition for grant of anticipatory bail qua non-  
bailable warrants dated 11.07.2016 issued by the trial Court in the  
pending proceedings under Section 138 of the Negotiable Instruments  
Act, 1881 (for short 'Act') which is bailable offence.

In my opinion, the anticipatory bail petition qua the  
offence under Section 138 of the Act is clearly not maintainable, but  
then, looking to the facts of the case, I find that the petitioner was on  
bail throughout during trial. However, he missed appearance on a  
particular date and as such the trial Court cancelled his bail bonds and  
issued non-bailable warrants. In that view of the matter, leave is

granted to to the petitioner to amend the prayer challenging non-bailable warrants of particular date, i.e. 11.07.2016.

In my opinion, the case relates to offence under Section 138 of the Act which is obviously a quasi-criminal case and not purely a criminal case.

In that view of the matter, since the trial is pending before the trial Judge and since the petitioner only missed one date of appearance before the trial Court, liberty of the petitioner cannot be curtailed and in the interest of justice, petitioner should allow to continue on bail before the trial Court. This is all because learned counsel for the petitioner makes a statement that henceforth, the petitioner would attend the proceedings before the trial Court and shall not make any default in appearance. Statement is accepted.

In that view of the matter, following order is passed:-

- (i) The present petition, i.e. CRM-M-36266 of 2016 is converted into one under Section 482 Cr. P.C.
- (ii) Non-bailable warrants issued vide order dated 11.07.2016 against the petitioner is quashed and set aside.
- (iii) Petitioner shall continue on bail on the same bail bonds as in the trial Court. Petitioner shall attend the trial promptly. Trial is expedited since it relates to the year 2011.

**(A.B. CHAUDHARI)**  
**JUDGE**

**October 07, 2016**

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No