

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-9282-2016 (O&M).
Decided on: March 16, 2016.**

Paramjeet Singh

.. Petitioner(s)

VERSUS

State of Punjab and another

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.K.S.Sekhon, Advocate,
for the petitioner.**

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

Petitioner, a convict in proceedings under Section 138 of the Negotiable Instruments Act, during pendency of appeal failed to appear on one date of hearing resulting in issuance of non-bailable warrants against him.

Counsel for the petitioner submits that the non-appearance of the petitioner on 25.1.2016 was neither intentional nor wilful as the petitioner had wrongly noted the date of hearing.

Notice to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by Ms.H.K.Athwal, DAG., Punjab, present in the Court. Copy given.

Without expression of any opinion regarding the reasonableness of non-appearance of the petitioner on the date of hearing, I deem it appropriate to dispose of this petition in limine to minimise further harassment to the complainant.

This petition is disposed of with a direction that the petitioner will appear before the appellate Court within a period of 15 days from today. In case of petitioner doing so, he shall be released on bail to the satisfaction of the appellate Court. The petitioner while appearing before the Court will submit a bank draft of Rs.10,000/- in the name of the complainant. The appellate Court will accept the bail bonds/surety bonds offered by the petitioner. It is made clear that in case the petitioner fails to comply with any of the above conditions, this petition will be deemed to have been dismissed.

It is observed that the amount of Rs.10,000/- deposited by way of demand draft will be handed over by appellate Court to the complainant which will be deemed to be cost of adjournment as per the provisions of Section 309, Explanation 2, Cr.P.C.

Since this petition has been disposed of in limine, it will be open to the complainant-respondent to approach this Court in case the order is not acceptable to him.

(M.M.S. BEDI)
JUDGE

March 16, 2016.
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