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

CRM-M-10966 of 2017

Date of decision: March 31, 2017

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: None.

A.B. CHAUDHARI, J (Oral)

Rule.

It is not necessary to issue notice to the respondent in view of the short controversy involved.

In a private complaint case bearing complaint case No.1450 of 2015, under Section 138 of the Negotiable Instruments Act, 1881 (for short 'Act') titled as Ramdas versus Mohit, trial Court issued proclamation and thereafter, since the petitioners did not appear, offence under Section 174-A of the Indian Penal Code, 1860 has been registered against him. Trial Court found that the petitioner was served with bailable warrants on 16.08.2016, but he failed to appear before the trial Court. It is in that connection, non-bailable warrants were issued and now, the petitioner seeks anticipatory bail.

In my opinion, looking to the nature of the prosecution against the petitioner accused under Section 138 of the Act, it would make no difference if he allowed a chance to participate in the

prosecution against him, without finding any fault with the trial Court's order. The petitioner will have to furnish bail bonds with the trial Court on his appearance before the trial Court and shall attend the trial with promptitude for its disposal in accordance with law. In that view of the matter, the following order is passed:-

ORDER

- (i) CRM-M-10966 of 2017 is allowed;
- (ii) The proclamation order under complaint case No.1450 of 2015, under Section 138 of the Act, titled as Ramdas versus Mohit and consequent FIR No.28 dated 03.02.2017, under Section 174-A of IPC, registered at Police Station Sanoli, Panipat, are quashed under the inherent powers of this Court;
- (iii) The petitioner shall appear before the trial Court on 29.05.2017 and shall be released on anticipatory bail on his furnishing bail bonds amounting to ₹10,000/- with one surety of like amount, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Thereafter, the petitioner shall appear before the trial Court with promptitude for completion of the trial.

(A.B. CHAUDHARI)
JUDGE

March 31, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No