

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

CRL. MISC. No.M-26597 OF 2017 (O&M)
DATE OF DECISION : 26th JULY, 2017

Nitin Monga

.... Petitioner

Versus

State of Punjab & another

.... Respondents

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

* * * *

Present : Mr. Yogesh Kumar Aneja, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

Heard.

Notice of motion to the State only.

It is not necessary to issue notice to respondent No.2 in view
of the following order which is being passed.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab accepts notice
on behalf of the State.

Rule.

Heard forthwith with consent of learned counsel for the
parties.

In a complaint case registered under Section 138 of the
Negotiable Instruments Act in the sum of ₹1,00,000/-, the petitioner was
released on regular bail on 24.04.2017 by JMIC, Fazilka. He furnished
his bail bonds. However on 01.06.2017 he remained absent without any
intimation to the trial Court that is why the trial Court forfeited his surety

and issued non-bailable warrants vide order dated 01.06.2017 (Annexure P- 4). His attempt to anticipatory bail failed. Hence this petition.

Without finding any fault with the order of the trial Court and Sessions Court, I find that looking to the peculiar facts that the cheque amount of ₹1,00,000/- is involved and the case being under Section 138 Negotiable Instruments Act, there is no point to put the petitioner in custody.

In that view of the matter, I think the petitioner should be given one more chance. Hence, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-26597 OF 2017 is allowed.
- (iii) The impugned order dated 01.06.2017 (Annexure P-4) passed by JMFC, Fazilka issuing non-bailable warrant, is set aside.
- (iv) The petitioner is granted anticipatory bail on the bail bonds earlier furnished by him before the trial Court.
- (v) The petitioner would appear before the concerned Court with promptitude till the completion of trial.
- (vi) Any further failure on the part of the petitioner shall result into trial Court taking him in custody.

Disposed of accordingly.

26TH JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>