

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-37108 of 2016 (O&M)

Date of Decision: 25.04.2017

Ankush Arora

--Petitioner

Versus

State Bank of India

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Puneet Sharma, Advocate for
Mr. Sandeep Arora, Advocate for the petitioner.

Mr. R.K. Jindal, Advocate for
respondent-State Bank of India.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in the Criminal Appeal CRA No.4963/2015 dated 11.6.2015.

Pleadings on record would indicate that proceedings initiated by the respondent State Bank of India under Section 138 of Negotiable Instruments Act culminated in the conviction of the petitioner by the Trial Court. Appeal preferred by the petitioner was pending in the court of learned Additional Sessions Judge, Jalandhar.

Apparently, the petitioner noted a wrong date fixed before the Appellate Court and as such, could not appear. It was under such circumstance that non-bailable warrants to secure presence of the petitioner have been issued.

While issuing notice of motion on 3.11.2016, the following order was passed by this Court:-

“Learned counsel for the petitioner has filed an affidavit of petitioner Ankush Arora to the effect that the petitioner-deponent has noted down a wrong date before the

CRM No. M-37108 of 2016 (O&M) -2-

appellate Court as 25.08.2016 instead of 05.08.2016. It is in these circumstances, the petitioner could not appear before learned appellate Court on 5.8.2016. However, he states that the petitioner is ready to appear before the Court.

The affidavit is taken on record.

Notice of motion for 07.02.2017.

Meanwhile, in case the appellant appears before the appellate Court within 10 days from today, he shall be admitted on bail on his furnishing bail bonds and surety bonds to the satisfaction of the appellate Court.”

Counsel appearing for the petitioner would submit that the petitioner namely Ankush Arora has duly appeared before the Appellate Court and was admitted to interim bail on his furnishing requisite bail bonds/surety bonds. That apart, learned counsel appearing for the respondent State Bank of India would make a statement that the matter has since been settled inasmuch as the petitioner has settled all dues.

In the light of such factual position, the present petition is allowed. The order dated 3.11.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2017

lucky

Whether speaking/reasoned: Yes
Whether Reportable: No