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

CRM-M-40557-2017

Date of Decision: 27.10.2017

Arindam Chaudhuri

..... Petitioner

Versus

M/s Satguru Infotech and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sumeet Goel, Advocate and
Ms. Manju Goyal, Advocate
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

In this petition, the petitioner, who is an accused in complaint case No.1028 of 2015, dated 03.04.2014 under Section 138 read with Sections 141 and 142 of Negotiable Instruments Act, 1881, pending in the Court of Ld. Chief Judicial Magistrate, Mohali, has challenged the impugned order dated 13.09.2017 (Annexure P-7). The petitioner had been summoned to appear in the Court. He did appear on the relevant date after which the Ld. Trial court directed him to furnish his bail bonds. He, however, was not found present in Court during the remaining part of the day.

[2]. His contention is that he had not been feeling well after having travelled all the way from Delhi having started at 1.15 A.M. in the morning. On account of such indisposition/giddiness in Court he was constrained to approach the nearest hospital in SAS Nagar for treatment. A copy of his Medical Prescription from that Hospital is on record as Annexure P-6.

However, on account of his absence, non-bailable warrant of arrest was issued against him.

[3]. His contention before this Court, therefore, is that he ought to be allowed an opportunity to surrender again before the Ld. Trial Court considering that his temporary absence on the relevant date was not intentional but warranted considering his serious physical condition.

[4]. In the given circumstances, the matter is disposed off by setting aside the impugned order but with a direction upon the petitioner to positively surrender before the Ld. Trial Court on or before the next date fixed i.e. 30.10.2017 after which he may be released on fresh bail subject to imposition of appropriate terms and conditions which may be either cash bail or surety need not be necessarily local. It is further observed that being a normal resident of Delhi his inability to appear personally on any date after being released on fresh bail shall not ever be a ground for seeking adjournment of the Trial proceedings in which his Advocate would always be obligated to participate.

27.10.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No