

211

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

CRM-M-45895 of 2017

Date of decision: December 20, 2017

Ankush Goel

.....Petitioner

Versus

Rajat Vij and another

.....Respondents

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

Present: Mr. Suneet Kumar, Advocate the petitioner.

Mr. Gulraj Khan, Advocate for
Mr. A.K. Goyal, APP U.T., Chandigarh.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks anticipatory bail in complaint case No.5855 of 2015 dated 20.10.2015 titled as “Rajat Vij versus Sh. Ankush Goel”, under Section 138 of the Negotiable Instruments Act, 1881. This Court had made an order dated 04.12.2017 directing the petitioner to surrender before the trial Court.

Learned counsel for the petitioner submits that the cheque amount originally in the case involved is only ₹25,000/-. The petitioner is a resident of Jammu. On the relevant date, he could not appeared before the trial Court being ill. The trial Court rejected his prayer for grant of exemption from personal appearance as there was no documentary proof regarding his illness.

In my opinion, the trial is almost at the fag end and there is

no point in taking away the liberty of the petitioner in a case involving cheque amount of ₹25,000/-. This Court had made an order dated 04.12.2017 asking the petitioner to deposit cheque amount of ₹25,000/- along with compensatory costs in the sum of ₹10,000/-.

Pursuant to the said order, admittedly, petitioner appeared before the trial Court and submitted his bail bonds. In my opinion, looking to the cheque amount of ₹25,000/-, the order of payment of compensatory costs in the sum of ₹10,000/- would be onerous. In that view of the matter, following order is passed:-

ORDER

- (i) Interim bail furnished by the petitioner, before the trial Court, in pursuance to the order dated 04.12.2017 passed by this Court, is made absolute, subject to petitioner depositing only ₹25,000/- with the trial Court which shall make an order of disposal of the same in accordance with law, thereafter;
- (ii) Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

December 20, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No