

104

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

CRM-M-47409 of 2017

Date of decision: December 13, 2017

Lal Chand

.....Petitioner

Versus

State of U.T. Chandigarh and another

.....Respondent

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

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Rule heard forthwith.

It is not necessary to issue notice to respondent No.2-the original complainant in case under Section 138 of Negotiable Instrument Act since there is no point in compelling the complainant to appear in this Court. Looking to the relief i.e. claimed in the present petition and looking to the further fact that the counsel for the petitioner, on instructions from the petitioner, has made a statement that he will deposit Rs.1,00,000/- with the trial Court.

Statement is accepted.

In the private criminal case under Section 138 of Negotiable Instrument Act for recovery of amount of Rs.4,55,000/- petitioner was already on regular bail. However, he remained absent during the course of trial and as such on 24.08.2017, the trial Court cancelled his bail and issued non-bailable warrants for his arrest.

On instructions from the petitioner, learned counsel for the petitioner makes a statement that hereinafter the petitioner would attend the trial and shall not make any default as and when required.

Statement is accepted.

In that view of the matter, I do not think any purpose would

be served in pushing the petitioner in jail, pending trial in a case under Section 138 of Negotiable Instrument Act. The controversy relates to the amount of Rs.4,55,000/- and counsel for the petitioner submitted that the petitioner would deposit Rs.1,00,000/-before the trial Court. Thus, by taking a lenient view, I make the following order:-

ORDER

- (i) Order dated 24.08.2017 for issuing non-bailable warrants, is set aside.
- (ii) Petitioner shall continue to remain on bail during trial on the same bail bonds already furnished by the petitioner.
- (iii) The petitioner shall attend the trial Court with promptitude. Liberty is however granted to the police to take the petitioner in custody if hereinafter, he remains absent before the trial Court.
- (iv) Deposit of amount of Rs.1,00,000/- within four weeks shall be a pre-condition for the present order.

Disposed of.

(A.B. CHAUDHARI)
JUDGE

December 13, 2017
anju rani

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No