

104

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

CRM-M-7807 of 2017

Date of decision: March 08, 2017

Lucky Kohli

.....Petitioner

Versus

Jaswant Singh and another

.....Respondents

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

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion to respondent No.2 only.

At the asking of the Court, Ms. Rajni Gupta, Addl. AG Punjab accepts notice on behalf of the State. It is not necessary to issue notice to respondent No.1 as the present order relates to giving an opportunity to the petitioner by way of a chance to appear before the trial Court and to participate in the proceedings, in respect of bouncing of cheque, as he was already on bail during trial.

Rule. Heard forthwith with the consent of the learned counsel for the rival parties.

It is not in dispute that the petitioner was, throughout, on bail in a case under Section 138 of the Negotiable Instruments Act, 1881 filed by respondent No.1 in respect of dishonor of cheque in the sum of ₹1,00,000/-. The cheque relates to the year 2016 and it is found by the trial Court that the petitioner was absent when the case was fixed for framing charge, though, he had asked for exemption on

04.10.2016 and 27.10.2016 also. Due to his absence, the trial Court declined the application for exemption as it was found that the petitioner was delaying the trial.

Learned counsel for the petitioner, on instructions from the petitioner, makes a statement that the petitioner would not make any default in appearance before the trial Court and would appear with promptitude and cooperate with the trial Court for early disposal of the complaint case.

Statement is accepted.

Without finding any fault with the impugned order, I think the petitioner should be given a chance to be at liberty for participating in the trial.

Hence, the petition is ordered to be released on anticipatory bail on his furnishing bail bonds amounting to ₹10,000/- with one surety of like amount, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, on the next date of hearing before the trial Court, which is fixed for 21.03.2017 and shall appear promptitude.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

March 08, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No