

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

CRM-M-11055-2017 (O&M)

Date of decision: 13.03.2018

Chajju Ram

... Petitioner

Vs.

Manjit Singh & another

... Respondents

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

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in a complaint under Section 138 of the Negotiable Instruments Act, 1881 bearing complaint No.1453 of 2015, dated 28.08.2015 pending in the Court of Judicial Magistrate 1st Class, Bathinda.

While issuing notice of motion on 24.04.2017, the following order was passed by this Court:

“Heard.

Learned counsel for the petitioner submits that petitioner could not appear due to health issue and moved application seeking exemption from personal appearance, which was not allowed.

Perusal of the order shows that the petitioner has twice absented during trial and that is why his plea for anticipatory bail was declined by learned Additional Sessions Judge, Bathinda.

Learned counsel for the petitioner undertakes that petitioner will not absent in future and keep on appearing on each and every date of hearing.

Notice of motion for 13.09.2017.

In the meanwhile, petitioner is directed to surrender before the trial Court within a week and on his appearance, he shall be released on interim bail on his furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate on his furnishing undertaking that he will not absent on any date during trial, with further undertaking that in the event of his absence on any date due to any reason, his counsel will cross-examine the witnesses in his absence and he will have no objection to this effect.

Trial Court is directed to expedite the trial by giving short adjournments.”

Learned counsel representing the petitioner makes a categorical submission that in pursuance to the notice of motion order dated 24.04.2017 passed by this Court, petitioner had duly surrendered before the trial Court and had been allowed interim bail.

Office report reflects that complainant/respondent No.1 herein has been duly served. However, no representation has been caused on his behalf.

As such, there would be no occasion for this Court to disbelieve the statement made by counsel representing the petitioner.

Petition is allowed. Order dated 24.04.2017 passed by this Court is made absolute.

Disposed of.

13.03.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |