

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

CRM-M-49992-2017 (O&M)

Date of decision: 24.01.2018

Navjot Kaur

... Petitioner

Vs.

U.T. Chandigarh & another

... Respondents

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

Present: Ms. Varda, Advocate for the petitioner.

Mr. G.S. Chahal, A.P.P., U.T. Chandigarh.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. wherein directions were sought to release the petitioner on bail pending appeal that had been preferred by the petitioner against the judgment of conviction.

On 10.01.2018, while issuing notice of motion, the following order was passed by this Court:

“The instant petition has been filed under Section 438 Cr.P.C. seeking directions to release the petitioner on bail pending appeal that had been preferred against conviction.

Counsel for the petitioner has been heard.

The uncontroverted factual premise is that the petitioner was convicted by the trial Court in the light of the judgment dated 04.07.2017 under Section 138 of the Negotiable Instruments Act.

Appeal having been preferred by the petitioner against the judgment of conviction, vide order dated 04.08.2017 passed by the Appellate Court, the petitioner was admitted to bail and order of sentence was suspended. However, to avail of

such concession petitioner had to furnish a surety of Rs.50,000/-.

Apparently, petitioner has not been able to arrange the requisite surety in time and as a consequence thereof vide order dated 16.11.2017 the bail order as also the order of suspension of sentence has been cancelled by the Appellate Court.

Even though no infirmity is found in the impugned order, counsel prays for the present petition to be treated as a mercy petition.

Notice of motion, returnable for 24.01.2018.

Undertaking of the counsel is recorded that the requisite surety/bail bonds would be furnished by the petitioner within a period of 03 days from the date of passing of this order and in the eventuality of the petitioner doing so, she would be admitted to ad interim bail.”

Learned counsel representing the petitioner makes a statement at the bar that the petitioner had appeared before the Appellate Court on 11.01.2018 and had furnished the requisite surety/bail bonds and was admitted to bail.

In the light of such statement made by counsel and the petitioner having joined proceedings before the Appellate Court, prayer made in the instant petition is accepted. Order dated 10.01.2018 passed by this Court is made absolute.

Disposed of.

24.01.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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