

123.

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

CRM-M-52111-2018

Date of decision:28.11.2018.

ASHRAF

... Petitioner

versus

JASWANT GOYAL

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mohammad Arshad, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is to quash the order dated 06.11.2018 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Ferorepur Jhirka (Mewat) whereby for non-appearance on the part of the petitioner on the date of hearing when the matter was fixed for pronouncement of the judgment in proceedings under Section 138 of Negotiable Instruments Act, his bail bonds and surety bonds were forfeited and non-bailable warrants were issued. Challenge has also been laid to the order dated 13.11.2018 (Annexure P-3) whereby fresh non-bailable warrants were issued for 27.11.2018 and notice was also issued to the surety for the same date.

Learned counsel for the petitioner states that the petitioner undertakes to surrender before the trial Court within a week and to join the pending proceedings. He further states that as per the order passed by learned trial Court, he was present in the court in the pre-lunch session, but

his bail/surety bonds were cancelled on the ground that in the post-lunch session, he was not present.

Heard.

Without making any observation as to whether the petitioner was present in the post-lunch session or otherwise, but considering the undertaking as made by learned counsel for the petitioner that the petitioner will surrender before the trial Court within a week from today, present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within a week from today, he shall not be arrested till then. However, in case the judgment is pronounced in the pending proceedings under Section 138 of the Negotiable Instruments Act and he is convicted, this order of interim stay of arrest shall not apply to him and present interim bail is only to facilitate his appearance before the trial Court.

The present case is disposed of without notice to the other side as it will further delay the proceedings.

(HARI PAL VERMA)
JUDGE

28.11.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.