

S.No.112

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

CRR No.3879 of 2018 (O&M)

Date of Decision:28.11.2018

Surender Singh @ BittuPetitioner

Vs.

Tara ChandRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Puneet Kakkar, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner challenging the order dated 13.11.2018 and 11.10.2018 being illegal and unreasonable.

Counsel for the petitioner contends that the petitioner does not press the petition on merits qua the order dated 11.10.2018. It is submitted that the petitioner would approach the Lower Appellate Court only; with a prayer for permitting him to deposit the ordered amount in instalments. Therefore, the present petition may be dismissed as withdrawn qua the order dated 11.10.2018.

Counsel for the petitioner further submits that vide order dated 13.11.2018, the bail of the petitioner has been cancelled and bonds are forfeited by the order of the Court below for not appearing before the Court. Resultantly, warrants of arrest have been issued. It is contended by the counsel that the absence from the Court was not intentional. Being a driver, the petitioner had gone to Uttrakhand. Therefore, an application for exemption from his appearance was duly moved before the Court below. It is further submitted that the petitioner does not have any intention to flee from course of justice. He intends to appear before the Court below. The only prayer is that he be protected against his arrest.

In view of the above, the present petition is dismissed as withdrawn qua the order dated 11.10.2018 with liberty to approach the Lower Appellate Court with the prayer deemed appropriate by the petitioner. However, the order dated 13.11.2018 is set aside; subject to the petitioner appearing before the Court below on or before 10.12.2018. It is further directed that in case the petitioner so appears, the Lower Appellate Court, shall release the petitioner on bail till that Court takes a decision on the application which the petitioner proposes to move before the Lower Appellate Court for permission to make payment in instalments, if such an application is filed by the petitioner within a period of one month from today. If no such application is filed within one month from today then such bail shall be valid only for one month. After a period of one month, Court below shall be entitled to pass any fresh order qua the bail of the petitioner, if the money is not deposited by the petitioner; as per the orders passed by the Court below.

November 28, 2018**renu****(RAJBIR SEHRAWAT)****JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No