

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

CRM-M-1356-2019

Date of decision-15.01.2019

Sanjeev Bhalla

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kartik Gupta, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner is an accused in a complaint case brought by respondent No.2 under Section 138 of Negotiable Instruments Act, 1881.

Pursuant to the summoning order, the petitioner appeared before the Court and was released on regular bail vide order dated 07.11.2017. Later on attempts were made to explore the chances of compromise as is reflected from the orders dated 06.12.2017. However, on 19.02.2018, the petitioner absented and the Court proceeded to cancel the bail and issued the non-bailable warrants and fixed the matter for 17.04.2018.

Learned counsel for the petitioner contends that somehow the date was wrongly noted as 23.04.2018 and on this date, he came to know about the issuance of non-bailable warrants and resultantly applied for grant of pre-arrest bail which was later on withdrawn by him. In the meantime, the Court proceeded to initiate proceedings under Section 82 of Code of

Criminal Procedure and the petitioner was declared as a proclaimed offender vide order dated 10.09.2018.

Learned counsel for the petitioner further contends that his client is ready and willing to join the proceedings and the absence was *bona fide* as the wrong date was noted by the counsel for the petitioner. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and therefore, it shall necessarily cannot be construed as a deliberate and willful absence.

Considering the above sequence of events, the impugned order dated 10.09.2018 (Annexure P-3) is set aside and it is ordered that in case the petitioner submits himself before the trial Court on or before 23.01.2019, he shall be admitted to regular bail. It shall be open for the trial Court to either allow the petitioner on the same bail bonds/surety bonds or may seek fresh one. In the event of non-appearance within a period given, the order dated 19.02.2018 shall remain intact.

Disposed off.

(MANOJ BAJAJ)
JUDGE

15.01.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No