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

**CRM-M-16664-2019
Date of decision-12.04.2019**

Pardeep Kumar

....Petitioner

Vs.

Jugal Kishore and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K.Choudhary, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner seeking anticipatory bail pursuant to the alleged apprehension of arrest based on the order dated 07.12.2018, whereby the trial Court in a complaint case under Section 138 of Negotiable Instruments Act, 1881 had declined the exemption from personal appearance of accused (petitioner) and at the same time proceeded to issue non-bailable warrants against him. Though the petitioner had filed an anticipatory bail application before the Court of Sessions at Gurdaspur and the said concession was extended vide order dated 15.03.2019.

It is contended by learned counsel for the petitioner that the requisite bail bonds and surety bonds could not be furnished within the time specified by the Additional Sessions Judge, Gurdaspur vide order dated 15.03.2019 and as a result of non-compliance, bail application was dismissed on 20.03.2019. He further contends that the surety bonds etc have

been arranged by him and the petitioner would furnish the same within the period of seven days.

Since the present petition under Section 438 Cr.P.C may not be maintainable in view of the fact that the concession already stood extended to the petitioner by Additional Sessions Judge, Gurdaspur but on account of failure of compliance, the Court had dismissed the application. On the oral request of the petitioner, the petition is treated under Section 482 Cr.P.C.

At this stage, this Court is of the opinion that issuance of notice to the complainant-Jugal Kishore (respondent No.1) would be a formality and it may cause extra burden upon him.

Resultantly, the petition is disposed off with a direction that the effect of order dated 20.03.2019 (Annexure P-2) be kept in abeyance for a period of seven days from today, and if the petitioner furnishes the requisite bail bonds in compliance of order dated 15.03.2019, the order dated 20.03.2019 shall be deemed to be set aside.

In case, compliance is not made, the order dated 20.03.2019 shall stand revived.

Disposed off.

(MANOJ BAJAJ)
JUDGE

12.04.2019

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