

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

CRM-M-17537-2019 (O&M)

Date of decision : 13.08.2019

Arvind

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J. (ORAL)

On 06.05.2019, following order was passed:-

“CRM No.14862 of 2019

Prayer is to prepone the hearing from 07.05.2019 to today i.e. 06.05.2019 on the ground that in the connected case i.e. CRM-M-17506-2019, petitioner has been directed to appear before the First Appellate Court upto today and if the petitioner appears before the First Appellate Court, he would not be arrested in this case.

Keeping in view the prayer made, the hearing of the petition is preponed to today. Application is allowed.

Main

Heard.

Learned counsel for the petitioner has submitted that pursuant to the directions dated 22.04.2019 and 29.04.2019, petitioner in order to show his bona fide has brought a draft of ₹2,00,000/- and undertakes to pay another sum of ₹3,00,000/- within a period of 6 weeks from today.

Notice of motion for 13.08.2019.

In the meantime, petitioner shall appear before the First Appellate Court today itself. In case, petitioner so appears before the First Appellate Court then the petitioner shall be released on interim bail on his furnishing bail bonds/surety to the satisfaction of the First Appellate Court.

A copy of this order be given under the signatures of Special Secretary attached to this Court.”

It has been reported by the learned District and Sessions Judge that the petitioner has failed to appear either on 06.05.2019 or on any subsequent date.

Petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881. In appeal filed by him, he allegedly entered into a settlement but did not pay the amount. Prayer was made for grant of another 15-20 days for making payment. Case was adjourned to 21.08.2018. However, petitioner thereafter stopped appearing before the First Appellate Court.

In the present petition, petitioner has prayed for grant of anticipatory bail. Since, the petitioner has already been granted indulgence but the petitioner has still failed to appear before the First Appellate Court, therefore, this Court is left with no choice but to dismiss the petition.

Accordingly, the present petition is dismissed.

13.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No