

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18952-2019

Date of Decision: 29.04.2019

Laxminder Kumar Bakshi

...Petitioner

Versus

State of UT Chandigarh and another

...Respondent(s)

CRM-M-19094-2019

Laxminder Kumar Bakshi

...Petitioner

Versus

State of UT Chandigarh and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J.

This order shall dispose of above-mentioned two petitions bearing CRM-M-18952-2019 and CRM-M-19094-2019 arising out of Complaint No.51 dated 03.01.2015 lodged under Section 138 of the Negotiable Instruments Act, 1881.

In CRM-M-18952-2019, the petitioner prays for grant of anticipatory bail, whereas in CRM-M-19094-2019, he prays for setting aside of order dated 13.10.2015 passed by the learned trial court, declaring the petitioner proclaimed person.

As per the documents which have come on record, it is apparent that the petitioner was an accused in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881. He on appearance was granted concession of bail. Thereafter he sought repeated exemptions from personal appearance, which were also granted. However, the petitioner thereafter

stopped appearing. The learned trial court passed an order on 13.10.2015 , whereby the petitioner was declared to be proclaimed person. The petitioner after having absented from the court, did not take any steps for appearing before the trial court and he filed an application for grant of anticipatory bail in November 2018 which was dismissed by the court by giving cogent reasons.

This Court has heard the learned counsel for the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is ready to pay the cheque amount to the complainant. He has further submitted that the petitioner was never served with non-bailable warrants.

In this regard, it may be noted that as far as offer to make the payment is concerned that can always be made before the learned trial court. As regards non service of non-bailable warrants, it may be noted that on 12.05.2015, first non-bailable warrants were received back unserved with the report by the brother of accused that he works in Chhittorgarh and whenever he would come back, he will be informed about pendency of the case. Thereafter, non-bailable warrants were again issued for 4.9.2015 when father of the accused disclosed that he works in Dharamshala and whenever accused returns, he will be informed about the case. The learned court below has noted that conduct of the accused throughout the proceedings shows that he has scant regards for the court proceedings.

In such circumstances, this Court does not find any good ground to interfere with the impugned order. However, the petitioner, if surrenders before the learned trial court and moves an application for being

released on regular bail, the same shall be decided within one week.

In view of the above, both these petitions are dismissed.

29.04.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No