

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

CRM-M-30435-2019 (O&M)

Date of decision : 19.07.2019

Rakesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Petitioner is an accused in complaint under Section 138 of the Negotiable Instruments Act. He was granted concession of bail.

Learned counsel for the petitioner contends that petitioner has been regularly appearing before the trial Court except on 04.06.2019, due to inadvertent mistake. Hence, his bail bonds were forfeited and non-bailable warrants were issued. Thereafter, the Court directed service on the petitioner through proclamation warrants under Section 82 Cr.P.C.. Petitioner applied for anticipatory bail which has been rejected by the learned Sessions Judge.

Although, petition under Section 438 Cr.P.C. is not maintainable, however, on the oral request of the learned counsel, present petition is treated as one under Section 482 Cr.P.C..

Learned counsel for the petitioner submits that he has instructions to make a statement that the petitioner would appear before the

learned trial Court within 10 days and furnish fresh bail bonds and surety bonds. He will also file an undertaking that he will regularly appear before the trial Court in future unless his presence is exempted.

Keeping in view the undertaking given, petitioner is directed to appear before the trial Court within 10 days and furnish fresh bail bonds and surety bonds. If petitioner complies with the undertaking as given by the learned counsel for the petitioner, the trial Court would release the petitioner on bail subject to furnishing bail bonds and surety bonds to its satisfaction.

In view of the above, the present petition is disposed of.

19.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No