

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

CRM-M-41913-2019

Date of Decision:30.09.2019

Shiva Traders, rice sheller through its Proprietor

...Petitioner

Versus

Pawan Kumar Gupta, proprietor of M/s Deepak Kumar Gupta & Co.

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.G.S.Madaan, Advocate for the petitioner.

ANIL KSHETARPAL, J.

This Court is of the considered view that the present petition can be conveniently disposed of at this stage itself.

Petitioner is a convict in a criminal case arising from a complaint under Section 138 of the Negotiable Instrument Act, 1881. He filed an appeal and was granted concession of suspension of sentence vide order dated 13.03.2019. Learned Additional Sessions Judge also issued notice to the respondent for 11.07.2019. On 11.07.2019, the complainant-respondent appeared, however, petitioner (appellant before the first appellate court) was absent. The court directed the appellant to be summoned through non-bailable warrants.

Learned counsel for the petitioner submits that given an opportunity, the petitioner is ready to surrender before the learned Additional Sessions Judge and furnish fresh bail bonds with surety of like amount to the satisfaction of the court.

Keeping in view the aforesaid facts, the present petition is disposed of with a direction to the petitioner to appear before the learned

Additional Sessions Judge within a period of 10 days and furnish fresh bail bonds with surety of like amount to the satisfaction of the learned first appellate court. Petitioner would also be required to file an affidavit to the effect that he will never remain absent on any date of hearing except when exemption is granted by the court in advance.

This order is conditional and it will enure to the benefit of the petitioner only if he complies with the undertaking.

Disposed of accordingly.

30.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No