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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42675-2019

Date of Decision: 31.10.2019

Harvinder Singh

.. Petitioner

Vs.

Parveen Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Harmanpreet Kaur, Advocate for the petitioner.

...

Manoj Bajaj, J.

This petition has been filed by the petitioner (proclaimed offender) under Section 438 Cr.P.C. for grant of anticipatory bail in appeal No.302 dated 16.10.2017 titled as "*Harvinder Singh Vs. Parveen Kumar and another*" filed against the trial Court judgment of conviction and order of sentence dated 13/16.09.2016 in a complaint case under Section 138 of the Negotiable Instruments Act, 1881. Alternatively, the order dated 22.12.2017, whereby the Appellate Court proceeded to cancel the bail of the convict (petitioner) and forfeited the surety bonds on account of his absence, be set aside.

Learned counsel for the petitioner contends that the co-convict of the petitioner, who had preferred the separate appeal against the common judgment of conviction and order of sentence passed by the trial Court was disposed off on 25.09.2018, as the complainant had compounded the offence qua the said convict. She has invited the attention of the court to the said order to contend that the petitioner is also willing to compound the offence. She submits that the petitioner is willing to participate in the

proceedings and prays for indulgence of this Court for grant of bail.

After hearing learned counsel for the petitioner, this Court finds that the petitioner was the appellant before the appellate Court and had wilfully and deliberately abandoned the said proceedings before the appellate Court. It was his own conduct which compelled the appellate Court to cancel his bail and secure his presence through warrants of arrest. It is further not disputed that the proceedings against the surety are continuing before the appellate Court and the petitioner is yet to put an appearance.

Considering the conduct of the petitioner, this Court does not find any reason to invoke the inherent powers under Section 482 Cr.P.C. and resultantly, the petition is dismissed. However, it shall be open for the petitioner to submit himself before the appellate Court to make a prayer for compounding of the offence.

The petition is dismissed.

31.10.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No