

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

**CRM-M No. 45579 of 2019
Date of Decision:-24.10.2019**

Nitin Shashwat and another

...Petitioners

Versus

M/s Ajanta Timbers and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Aditya Jain, Advocate
for the petitioners.

MANOJ BAJAJ J.(Oral)

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in Criminal Appeal No.158 of 2018, titled 'Nitin Sharswat vs. M/s Ajanta Timbers etc.' as the Appellate Court while cancelling the bail of the appellant (petitioner) proceeded to issue the warrants against him.

Learned counsel for the petitioner contends that aggrieved against the judgment of conviction dated 15.1.2018 and order of sentence dated 16.1.2018, the abovementioned appeal was preferred and the Appellate Court vide order dated 21.2.2018 suspended the sentence of the convict, with a condition that he would furnish a bank guarantee for a sum of Rs.3,00,000/- on the next date of hearing i.e. 06.4.2018. He submits that

the said condition was never complied with and on 25.3.2019 the Appellate Court proceeded to cancel his bail and issued the non-bailable warrants on account of his absence. Mr. Jain has submitted that subsequently the Appellate Court issued the warrants, which have not been executed till date.

He submits that the petitioner (appellant) could not furnish the requisite bank guarantee because of financial constraints and he would submit himself before the Appellate Court and furnish the requisite bank guarantee on or before the next date of hearing i.e. 07.11.2019.

In view of the above, this Court does not deem it appropriate to issue notice to the complainant at this stage as it would cause unnecessary burden upon him. However, it shall be open for him to seek recalling of this order in case the petitioner has misled this Court.

Considering the above, the petition is disposed off with a direction to the petitioner to submit himself before the Appellate Court on or before 07.11.2019 and would also furnish the requisite bank guarantee. Upon his doing so, the Appellate Court shall admit him on regular bail subject to his furnishing requisite bail bonds and surety bonds. It is further directed that thereafter the Appellate Court shall proceed with the appeal in accordance with law and would adjudicate the same expeditiously.

October 24, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No