

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

CRM-M-53711 of 2019

Date of decision: 16.12.2019

Bhupinder Singh

....Petitioner

Versus

M/s Cholamandlam Investment & Finance Co. Ltd

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Mayur Karkra, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

By means of this petition, the petitioner has assailed order dated 13.11.2019 passed by learned JMIC, Patiala in Complaint case No.COMA/1898/2016 filed under Section 138 of the Negotiable Instruments Act whereby his non-bailable warrants have been issued.

The respondent/complainant filed a complaint under Section 138 of the Act against the petitioner for dishonoring of a cheque No.301338 dated 15.04.2016 amounting to Rs.266579/- drawn on SBOP DCW Branch Patiala. The petitioner was granted bail by the trial Court vide order dated 10.10.2016. On 04.07.2018, since he could not appear before the trial Court, his bail bonds were cancelled and he was declared as proclaimed person vide order dated 09.10.2018. Thereafter, on the petitioner surrendering before the trial Court on 29.11.2018, he was granted bail. Since then, he had been appearing regularly. However, on account of failure of the petitioner to appear before the trial Court on 13.11.2019, his bail bonds were cancelled and his presence has been directed to be secured through non-bailable warrants.

Learned counsel for the petitioner states that his non-appearance was not intentional. In fact, the matter was listed on 06.11.2019, which was adjourned to 11.11.2019 by the trial Court. Vide Notification dated 08.11.2019, this Court declared 11.11.2019 as a holiday on account of 550th Birthday of Sri Guru Nanak Dev Ji and the case was taken up on 13.11.2019. It is only because of miscommunication with his counsel qua the date of hearing that he could not cause his appearance on the date fixed. He undertakes that the petitioner shall appear before the learned trial Court on any date to be fixed by this Court.

Having heard learned counsel for the petitioner and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before 15th January, 2020. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

This shall, however, be subject to payment of Rs.3000/- as costs to be deposited by the petitioner with the District Legal Services Authority, Patiala.

December 16, 2019
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No