

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

*CRM-M-53572 of 2019*

***Date of decision: 16.12.2019***

*Prem Kumar*

*....Petitioner*

*Versus*

*State of Punjab and Anr.*

*....Respondents*

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. A.S Bhatti, Advocate for the petitioner.

**HARINDER SINGH SIDHU, J.**

Prayer in this petition preferred under Section 438 Cr.P.C is for issuing directions to the Arresting Officer/Appellate Court to release the petitioner on bail in the event of his arrest in Criminal Appeal No.204 dated 11.05.2018 arising out of Complaint No.(NACT) 757 dated 28.11.2015.

Complaint was filed by respondent No.2-Rajiv Kumar under Section 138 of the Negotiable Instruments Act for dishonor of cheque No.000007 dated 14.07.2015 amounting to Rs.1,10,000/-. Vide Judgment and order of sentence dated 23.04.2018 passed by learned JMJC, Hoshiarpur, the petitioner was convicted and sentenced to undergo SI for one year and three months besides directing to pay compensation in sum of equivalent to cheque amount to the complainant.

During the pendency of the appeal, the matter was compromised between the parties and the petitioner paid two instalments and that balance amount of Rs.48,000/- was to be paid on 18.11.2019 before the learned Appellate Court. On 18.11.2019, the petitioner appeared before the Court and sought more time to deposit the said amount. The matter was

posted after lunch on the said date. However, since the petitioner could not arrange for the amount, he had not entered appearance and due to his failure to appear before the Court, his bail bonds were cancelled and he was summoned through non-bailable warrants.

Learned counsel for the petitioner states that it was only on account of unavoidable circumstances that the petitioner could not appear before the Appellate Court. Now, he has arranged the amount and is willing to deposit before the Court. He undertakes that the petitioner shall appear before the learned Appellate Court on any date to be fixed by this Court.

Notice of motion.

Ms. Monika Jalota DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that in the event of the petitioner appearing before the learned Appellate Court on or before 05.01.2020 and depositing the said amount, he shall be enlarged on bail by the Appellate Court subject to his furnishing bail bonds and surety bonds to its satisfaction.

This shall, however, be subject to payment of Rs.2000/- as costs to be deposited by the petitioner with the District Legal Services Authority, Hoshiarpur.

**December 16, 2019**  
**manoj**

**(Harinder Singh Sidhu)**  
**Judge**

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