

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.53761 of 2019

Date of Decision: December 16, 2019

Amardeep Singh

...Petitioner

Versus

Sukhwinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

MANOJ BAJAJ, J.

Prayer in the present petition is for quashing of orders dated 19.07.2019 (Annexure P-2) and 22.07.2019 (Annexure P-3), whereby notice/non-bailable warrants have been issued against the petitioner and also for quashing of order dated 28.08.2019 (Annexure P-4) issuing proclamation under Section 82 Cr.P.C. in a complaint filed under Section 138 of the Negotiable Instrument Act, 1881 read with Section 420 IPC.

Learned counsel for the petitioner contends that while granting the petitioner concession of regular bail, a direction was issued for furnishing the bail bonds in the sum of ₹ 1,00,000/- with one surety in the like amount. Personal bond was furnished by the petitioner, however, the surety bond could not be furnished. Thereafter, the petitioner sought exemption from personal appearance. However, vide order dated 19.07.2019 (Annexure P-2) absented and notice was issued to him for 22.07.2019.

He submits that on 22.07.2019, the Court had observed that non-bailable warrants have not been received back, whereas no such non-bailable warrants were issued for securing the presence of the petitioner. However, the Court had issued the non-bailable warrants once again for 28.08.2019. On the said date, proceedings under Section 82 Cr.P.C. were ordered.

It is pointed out that the prayer of the petitioner for grant of anticipatory bail was declined vide order dated 29.11.2019. However, it was ordered that in case the petitioner surrenders before the trial Court, his application for regular bail be decided within 15 days.

Learned counsel submits that the requisite surety has been arranged and the petitioner is able to furnish the same before the Court within 7 days.

Considering the above and the nature of the offence, this Court does not feel it necessary to issue notice to the complainant as it may cause extra burden upon him. However, it shall be open for him to seek recalling of the order in case petitioner has concealed the material facts from this Court.

In view of the above, it is ordered that in case the petitioner surrenders before the Court and furnishes the requisite surety as directed by the trial Court on 18.03.2019, he shall be released on regular bail.

Petition stands disposed off.

December 16, 2019
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No