

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

CRM-M-7599-2020 (O&M)

Date of Decision:- 20.2.2020

Sanjay Lamba

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikram Bali, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of complaint case No. 879 of 2017 titled as M/s S.P. Enterprises Vs. Sainov Spirits instituted against him for offence under Section 138 of the Negotiable Instruments Act.
2. A few facts necessary for disposal of this petition are that pursuant to summoning of the accused the petitioner had been released on bail. However, on account of his absence before the trial Court on 9.12.2019, his bail was cancelled (Annexure P-2). Subsequently, the petitioner moved an application for grant of anticipatory bail, which was accepted by learned Additional Sessions Judge, Ambala vide order dated 20.12.2019 (Annexure P-3) and the petitioner was directed to surrender before the trial Magistrate by 21st December, 2019 and it was directed that he would be admitted to bail by the learned Magistrate. However, despite the said order, the petitioner

did not appear. Fresh warrants of arrest were issued for securing his presence.

3. The petitioner moved another application seeking grant of anticipatory bail which was accepted on 16.1.2020 and the petitioner was directed to surrender before the trial Court on 17.1.2020 and a direction was issued that he would be admitted to bail (Annexure P-5). It appears that the petitioner despite the aforesaid order again chose not to appear on 17.1.2020. Consequently, the trial Magistrate vide order dated 22.1.2020 (Annexure P-6) [date incorrectly written as 22.1.2019] ordered for initiating of proceedings under Section 82 Cr.P.C. against the petitioner. Thereafter, the petitioner again moved the third petition under Section 438 Cr.P.C. seeking grant of anticipatory bail, which has been declined vide order dated 31.1.2020.
4. I have heard the learned counsel for the petitioner. Keeping in view the chequered record of the petitioner, who has been choosing to keep away from the Courts even despite having been granted anticipatory bail on various occasions, this Court does not find any ground to extend the said concession to the petitioner for the third time.
5. The petition is sans merits and is hereby dismissed. However, in case the petitioner chooses to surrender before the trial Court within one week from today and moves an application for grant of regular bail, the trial Magistrate shall endeavour to dispose of the same expeditiously, preferably within 3 days from filing of such application.
6. Before parting with this order, this Court would like to point out that the Presiding Officer (trial Magistrate) does not seem to be reading the orders

passed by it before signing the same. A perusal of order annexed with the petition as Annexure P-4 shows that while in the body of the order it is the date on which this order has been passed is mentioned as “today i.e. 21.12.2019” whereas at the bottom of the order is mentioned as 20.12.2019.

7. Similarly, in the order annexed with this petition as Annexure P-6, some of the dates mentioned therein are of January, 2020 while some of the dates are being mentioned incorrectly as of the year 2019. Infact, even the date mentioned below the order is written incorrectly as 22.1.2019 instead of 22.1.2020.
8. Still further, the trial Magistrate while initiating proceedings vide aforesaid order (Annexure P-6) passed on 22.1.2020 has ordered for securing the presence through proclamation for 31.1.2020, which is infact a period less than 30 days as against the mandate of provisions of Section 82 Cr.P.C.
9. A copy of the Annexure P-4 and Annexure P-6, as annexed with this petition be sent to the District & Sessions Judge, Ambala to report as to whether the aforesaid annexures are correctly reproduced copies of the order as existing on the original file and as to whether the dates as mentioned in the said copies are incorrect. If the said dates have been incorrectly mentioned in original order then the Presiding Officer concerned be asked to be more careful in future and to spare some time for reading the orders before affixing signatures.

20.2.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No