

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

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**CRM-M-30590-2020 (O&M).
Date of Decision: 01.10.2020.**

Dhalwinder Singh

....Petitioner.

Versus

Indusind Bank Limited and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sapan Dhir, Advocate for the petitioner.

Lalit Batra, J.(Oral)

CRM-24473-2020

Allowed, as prayed for.

CRM-M-30590-2020

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail in Complaint Case No.NACT-963-2017 dated 20.11.2017 (Annexure P/1) under Section 138 read with Section 142 of Negotiable Instruments Act, titled "Indusind Bank Ltd. Vs. Dhalwinder Singh" pending before Judicial Magistrate Ist Class, SAS Nagar, Mohali, wherein on account of non-appearance of petitioner (accused) in Court on 16.01.2020, his presence is being secured through warrant of arrest.

Notice of motion to respondent No.2 only.

At the asking of Court, Ms. Jaspreet Kaur, Assistant Advocate General, Punjab, accepts notice on behalf of respondent No.2-State. Complete copy of paperbook has been supplied to her in Court.

Learned counsel for the petitioner *inter alia* contends that petitioner used to appear before the Court concerned on each and every date

of hearing but on account of the fact that he had met with an accident and got fracture on his leg, he could not appear before the Court on 16.01.2020 and resultantly, his presence was ordered to be secured through warrant of arrest. He further urges that on coming to know about issuance of warrant of arrest issued against him (petitioner), he immediately moved an application for grant of pre-arrest bail on 27.02.2020 before the Sessions Court which was disposed of vide order dated 20.03.2020, in terms of which, petitioner was directed to surrender before Court concerned within fifteen days positively, failing which his application would be dismissed. He further urges that due to lockdown invoked w.e.f. 23.03.2020, petitioner could not appear before the Court concerned and as such could not abide by the terms and conditions as laid down in order dated 20.03.2020. He further urges that petitioner is willing to join proceedings of trial.

In view of above, instant petition for grant of pre-arrest bail to the petitioner is disposed of in the manner that petitioner (accused) shall surrender before trial Court within fifteen days positively from today and on surrender, he shall be enlarged on bail on his furnishing personal/ surety bonds to the satisfaction of trial Court. However, it is made clear that trial Court is at liberty to initiate proceedings under Section 446 Cr.P.C. against the petitioner in accordance with law. Meanwhile, no coercive steps shall be initiated against the petitioner pursuant to warrant of arrest already issued against him.

(LALIT BATRA)
JUDGE

01.10.2020

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