

CRM-M-40541-2019
Date of Decision: 28.01.2020

Sukhpreet Arora

... Petitioner

vs.

State of Punjab and Another

.. Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Rajesh Bhardwaj, Sr. Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is facing trial for having committed offence punishable under Section 138 of the Negotiable Instruments Act in a complaint titled as '**Mulakh Raj vs. Sahib Pesticides**'. The petitioner had absented from proceedings on 20.04.2019 and, accordingly, his bail was cancelled, bail bonds were forfeited to the State and he has been ordered to be summoned through warrant of arrest.

On 23.09.2019, the following order was passed:-

“Notice of motion, returnable on 20.11.2019.

Subject to the petitioner paying Rs.25,000/- to the complainant on the date that he surrenders before the trial Court, he shall be admitted to bail by that Court to its own satisfaction, till the next date of hearing before this Court.”

It has been stated by learned counsel for the petitioner that petitioner could not put appearance in the Court as he was suffering from pain of appendix and he had not absented from proceedings at an earlier stage, though, applications were moved on some occasions for

exemption from personal appearance. It has been further stated that in terms of aforesaid order dated 23.09.2019, the petitioner has already paid a sum of Rs.25,000/- to the complainant and now the case is fixed for 17.02.2020 before the learned trial Court.

Learned State counsel has not disputed the factual position.

The petitioner has already paid an amount of Rs.25,000/- to the complainant for the lapse on his part for not appearing before the trial Court; he has already surrendered before the trial Court and has been admitted on interim bail.

In these set of circumstances, the petition is allowed and order dated 23.09.2019 is made absolute. However, the petitioner shall submit fresh bail bonds to the satisfaction of trial Court on or before 17.02.2020, the date already fixed and furthermore this order is subject to the condition that the petitioner shall regularly appear before the trial Court on each and every date.

(VIVEK PURI)
JUDGE

28.01.2020
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No