IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-8207-2021

Date of Decision:22.02.2021

Jang Bahadur Singh **.....Petitioner**

Versus

State of Punjab and another **.....Respondents**

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Raj Kumar Arya, Advocate, for the petitioner.

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HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in the event of arrest in complaint No.59 dated 29.07.2015 filed by the complainant under Section 138 of the Negotiable Instruments Act(for short "the N.I. Act") before learned Judicial Magistrate 1st Class, Gurdaspur.

Learned counsel for the petitioner submits that the petitioner was on bail in the above mentioned complaint case and was appearing before the trial Court on each and every date, however, he met with an accident and suffered fracture in his leg and arm and due to this reason, he could not appear before the trial court on 22.01.2020. He requested his counsel to move an application before the trial Court seeking exemption from his personal appearance, but his counsel could not move the same,

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which led to cancellation of his bail bonds. In these circumstances, the petitioner was declared as proclaimed offender vide order dated 29.01.2021. He states that the petitioner is ready to surrender before the trial Court and to face the trial, provided some protection is granted to him.

Heard.

The foundation of the present petition is based on a complaint filed by respondent No.2 under Section 138 of the N.I.Act, whereby the petitioner was declared as proclaimed offender. The petitioner met with an accident and suffered fracture in his leg and arm, due to which, he could not walk. He requested his counsel for his exemption, but due to some reason, he could not move appropriate application before the trial court. The offence under Section 138 of the N.I. Act is bailable, but it is on account of non-appearance of the petitioner, PO proceedings were initiated against him.

In view of the above, the present petition is disposed of with a direction that, in case, the petitioner surrenders before the trial court within a period of one week from today, he shall be admitted on bail, subject to his furnishing adequate bail bonds/surety bonds to its satisfaction. However, that would be subject to payment of costs of Rs.10,000/- to be deposited by the be petitioner with the Bar Association of this Court.

The present petition is disposed of, at this stage, without issuing notice to the respondents to avoid unnecessary burden upon them as no prejudice is going to be caused to them.

February 22, 2021 **(HARI PAL VERMA)**
seema **JUDGE**

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

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