

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

CRM-M-11931-2021.

Decided on:- March 16, 2021.

Harman Singh.

.....Petitioner.

Versus

U.T., Chandigarh and another

.....Respondents.

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

Present:- Mr. Kanwar Arun Singh, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl. P.P., U.T., Chandigarh.

HARI PAL VERMA, J.(Oral)

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in appeal No.***CRA-441 of 2017*** titled as ***Harman Singh Versus M/s Shagun Traditional Jewellers*** pending in the Court of learned Additional Sessions Judge, Chandigarh, whereby vide order dated 08.03.2021 (Annexure P-3), bail of the petitioner has been cancelled and bail bonds have been forfeited to the State and warrants of arrest of the petitioner have been issued for 20.04.2021.

Learned counsel for the petitioner submits that on account of COVID-19 pandemic, regular Courts are not functioning. Therefore, the petitioner could not ascertain the date of hearing i.e. 08.03.2021 fixed before the appellate Court. For such non-appearance, bail of the petitioner was

cancelled and his warrants of arrest were issued by learned Additional Sessions Judge, Chandigarh, vide order dated 08.03.2021(Annexure P-3). The petitioner is ready to appear before the appellate Court.

Concededly, on the complaint filed by respondent No.2 M/s Shagun Traditional Jewellers against the petitioner under Section 138 of the Negotiable Instruments Act, 1881, learned Judicial Magistrate 1st Class, Chandigarh, vide judgment dated 10.07.2017 convicted the present petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo rigorous imprisonment for one year with a further direction to pay compensation under Section 357 Cr.PC to the complainant for an amount equivalent to the cheque amount i.e. Rs.9,92,000/-.

Aggrieved against the aforesaid judgment of conviction and order of sentence, the petitioner filed an appeal before the Court of Session, Chandigarh and during this appeal, the petitioner remained absent on 08.03.201 leading to the passing of impugned order dated 08.03.2021 (Annexure P-3) passed by learned Additional Sessions Judge, Chandigarh.

Having heard learned counsel for the parties and considering the fact it was a single default of the petitioner on 08.03.2021 before the appellate Court coupled with the fact that the petitioner has shown his inclination to appear before the appellate Court, the present petition is disposed of with a direction that in case the petitioner appears before the appellate Court within one week from today, he shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned appellate Court.

The petitioner shall also furnish an undertaking before the appellate Court that he shall continue to appear there as and when required during the appeal.

March 16, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No