

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

CRM-M-17709-2021 (O&M)

Date of decision: 28.04.2021

Sumit Punia

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kulwant Singh Dhanora, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in a complaint case CIS No. Act/2978/2018 dated 16.11.2018, under Section 138 of the Negotiable Instruments Act, 1881, titled as Sandeep Saini Vs. Sumit Punia, pending before the Judicial Magistrate 1st Class, Hisar.

Learned counsel for the petitioner submits that after issuance of summoning order, the petitioner was regularly appearing before the learned trial Court but he could not appear before the trial Court on 25.02.2021. Due to non-appearance, his bail was cancelled and the bail/surety bonds were forfeited and non-bailable warrants were issued and vide order dated 24.03.2021, the proclamation was also issued for 17.05.2021. Non-appearance of the petitioner before the trial Court was not intentional.

Learned counsel for the petitioner further states that out of total due amount of Rs. 1,30,000/-, the petitioner had paid Rs. 70,000/- and the remaining amount could not be paid due to Covid-19 Pandemic. The petitioner is ready to pay the remaining amount of Rs. 60,000/- within six months.

Notice of motion.

On the asking of this Court, Mr. Pardeep Prakash Chahar, DAG Haryana, accepts notice on behalf of the respondent-State.

Notice to respondent No. 2 is not being issued to avoid the unnecessary delay.

I have heard the learned counsel for the parties.

The petitioner was regularly appearing before the learned trial Court, his non-appearance on 25.02.2021 was not intentional and is ready to pay the remaining amount within a period of six months, the orders dated 25.02.2021 and 24.03.2021 passed by the Judicial Magistrate 1st Class, Hisar, are set aside.

The petition is allowed with a direction to the petitioner to appear before the trial Court within 10 days from today. On his doing so, he shall be released on bail to the satisfaction of the trial Court/Duty Magistrate. The petitioner shall submit an undertaking before the concerned Court that he will make the payment of Rs.60,000/- to the complainant within a period of six months.

28.04.2021

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No