

108

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 01.02.2022

1. CRM-M No.3711 of 2022 (O&M)

Kamal Malhotra

....Petitioner

Versus

State of Haryana and another

....Respondents

2. CRM-M No.3757 of 2022 (O&M)

Kamal Malhotra

....Petitioner

Versus

State of Haryana and another

....Respondents

3. CRM-M No.3774 of 2022 (O&M)

Kamal Malhotra

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Deep Goel, Advocate
for the petitioner (in all the petitions)

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of anticipatory bail to the petitioner in complaint case bearing Nos.NACT-3116-2016, No.NACT-3083-2016 and No.NACT-1850-2016, pending before the trial Court.

Counsel for the petitioner has argued that after the petitioner was summoned, the petitioner put in appearance. It is further submitted that during the pendency of the complaint(s) at the initial stage in the year 2017, the petitioner was declared as proclaimed person

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as he was not served and a direction was issued to register an FIR under Section 174-A IPC, however, the FIR has been registered in the year 2020 and the petitioner is appearing in all the 03 FIRs i.e. FIR No.75, FIR No.76 and FIR No.77 of 2020.

Counsel for the petitioner has placed on record the copy of the order dated 01.12.2020 in all the aforesaid 03 FIRs where after marking his presence, the case was adjourned to 12.05.2022 for consideration on charge. It is further submitted that the petitioner was simultaneously appearing in all the complaint cases filed under Section 138 of the Negotiable Instruments Act, however the petitioner, on account of the ill health of his mother, who remain admitted in hospital for a long time, could not appear before the trial Court.

Counsel for the petitioner has relied upon the order dated 20.09.2021 passed in one of the complaint wherein it was noticed that the petitioner is on bail and is appearing through his counsel and the case was adjourned for defence evidence to 30.09.2021. It is also submitted that at this stage, the petitioner could not appear and his bail/surety bonds were cancelled and non-bailable warrants have been issued.

Counsel for the petitioner has further argued that though the petitioner has moved an application for exemption, which was allowed subject to payment of costs of Rs.500/-, however due to some unavoidable circumstances, the petitioner neither appeared nor paid the costs and therefore, now the warrants have been issued.

Counsel for the petitioner has also submitted that he has the instructions to say that the petitioner is ready to surrender before the trial Court within a period of 15 days from today and will apply for

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fresh bail, in accordance with law.

Considering the fact that the case is pending since long and no purpose will be served in issuing notice to the respondents, I deem it appropriate to dispose of all the 03 petitions with a direction to the petitioner to surrender before the trial Court within a period of 15 days from today and the trial Court will release the petitioner on regular bail on furnishing fresh bail/surety bonds.

Till the time, the petitioner appear before the trial Court, his arrest will remain stayed (in all the present petitions).

This will, however, be subject to the condition that the petitioner will deposit Rs.3,000/- each (in all the 03 complaints), to be paid to the complainant, for causing the delay.

Disposed of.

A photocopy of this order be placed on the file of other connected cases.

(ARVIND SINGH SANGWAN)
JUDGE

01.02.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No