

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

**CRM-M-23308-2022
Date of decision: 26.05.2022**

Neeraj Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mewa Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in Criminal Complaint No. 1510 of 2017 CIS No. NI/1503/2017, dated 20.05.2017, titled as ***Reliance Commercial Finance Ltd. vs. Neeraj Kumar***, filed under Section 138 of the N. I. Act.

Learned counsel for the petitioner submits that the petitioner was convicted by the trial Court and he has filed an appeal, in which vide order dated 03.01.2022, the petitioner has already deposited 20% of the compensation amount as directed by the lower appellate Court and was regularly appearing before the lower appellate Court.

Learned counsel further submits that thereafter, on 27.04.2022, the petitioner could not appear before the Court as he was admitted in a hospital as he was suffering from fever and back pain and though a request was made on behalf of the petitioner in this regard along with a medical certificate, however, the same was not accepted by the lower appellate Court

and his bail/surety bonds were cancelled and a notice under Section 446 Cr.P.C. was given to the surety.

Learned counsel further submits that once the sentence of the petitioner was suspended by the lower appellate Court, it has adopted a very harsh view while cancelling the bail/surety bonds of the petitioner and thereafter issuing notice under Section 446 Cr.P.C. to the surety.

It is further submitted that the petitioner is ready to surrender before the lower appellate Court and apply for fresh bail.

Notice of motion.

Mr. Himmat Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and does not dispute the factual position.

At the stage, service upon respondent No. 2 is dispensed with in order to avoid any further delay in disposal of the appeal.

After hearing learned counsel for the parties, considering the aforesaid facts and circumstances, the present petition is allowed. The petitioner is directed to appear before the lower appellate Court within a period of 10 days from today and on doing so, his sentence shall be again suspended and he will be admitted to bail on furnishing fresh bail/surety bonds to its satisfaction.

26.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No