

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

CRM-M-26701 of 2022
Date of decision: 16.06.2022

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Parbhat @ Parul

....Petitioner(s)

Versus

Ajit Kumar and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Suneet Kumar, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed under Section 438 read with Section 482 Cr.P.C. for grant of anticipatory bail to the petitioner in Criminal Appeal No.190 of 2018, Parbhat @ Parul vs. Ajit Kumar.

The bail of the petitioner has been cancelled and the bonds forfeited on account of the fact that he did not put in appearance before the Appellate Court and his application was not supported by any medical record or affidavit. It is also apparent that he did not comply with the mandatory requirement of depositing 20% of the amount of Rs.18,54,000/-, which was the compensation amount and also the bounced cheque amount on the basis of which, he had been convicted for a period of one year. Though opportunity was granted on 25.02.2021 and another opportunity had been granted on 19.04.2021 and the case was listed for 15.07.2021 but the deposit had not been made. In such circumstances, now warrants of arrest have been issued qua him while issuing notice to the surety and the identifier.

Thus, keeping in view the above facts, this Court is of the considered opinion that the argument raised that the appeal can be heard

without complying with the mandate of provisions of section 148 of the Negotiable Instruments Act, 1881, is without any basis. The petitioner was given sufficient opportunity not once, but at least on three occasions, to deposit the 20% amount. Thus the Appellate Court has rightly as such enforced his presence and no case is made out to exercise the jurisdiction for grant of anticipatory bail.

Accordingly, the present petition is dismissed.

It is, however, open to the petitioner to put in appearance and furnish the said amount by way of demand draft on the next date of hearing before the Appellate Court and file an appropriate application for recall of the order.

16.06.2022
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No