

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

125

**CRM-M-27172-2022 (O&M)  
Date of decision: 22.06.2022**

**MANMOHAN ARORA**

....Petitioner(s)

**Versus**

**STATE OF PUNJAB AND ANOTHER**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present : Mr. Sandeep Wadhawan, Advocate  
for the petitioner.

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**VINOD S. BHARDWAJ. J. (ORAL)**

The instant petition has been filed under Section 438 CrPC for grant of anticipatory bail to the petitioner in case bearing complaint No.NACT/681/2019 titled as 'Devraj Kapoor versus Manmohan Arora' under Section 138 of the Negotiable Instruments Act pending in the Court of Judicial Magistrate First Class, Amritsar.

It is contended that non-bailable warrants have been issued for securing the presence of the petitioner. The same would not *ipso facto* give a cause of action to the petitioner to invoke the jurisdiction under Section 438 CrPC as the offence under Section 138 of the Negotiable Instruments Act is bailable offence and the mere issuance of non-bailable warrants for securing presence of the accused in a bailable case would not render the substantive offence non-bailable. It would rather be expedient that in such circumstances the accused whose presence is sought from coercive steps submits himself in the Court and applies for regular bail and also move an application under Section 70(2) of the CrPC for staying execution of the warrants so issued against him.

Faced with above, learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to move appropriate application before the competent Court.

Dismissed as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)  
JUDGE

June 22, 2022

S.Sharma(syr)

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |