

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28789-2022

Date of decision : 8.7.2022

Suraj Mohan Sharma

..... Petitioner (s)

Versus

State of UT Chandigarh and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sutikshan Sharma, Advocate
for petitioner.Mr. Akashdeep Singh, Additional P.P.
for respondent UT Chandigarh.

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HARINDER SINGH SIDHU, J.

This petition has been filed for grant of anticipatory bail in complaint case No. NACT/17806/2019 filed under Section 138 of Negotiable Instruments Act titled as Anuj Khanna Versus Suraj Mohan and another.

Respondent No. 2 had instituted a complaint under Section 138 of Negotiable Instrument Act against petitioner which came up for hearing before learned Judicial Magistrate 1st Class, Chandigarh on 14.11.2019. Petitioner appeared before the Court on 6.1.2020 when he was admitted to bail. Thereafter, again petitioner appeared on 3.2.2020 and again on 27.2.2020.

It is the case of petitioner that thereafter, due to COVID 2019, the case was being repeatedly adjourned. Thereafter, due to non appearance of petitioner, vide order dated 1.10.2021 (Annexure P-5), bail of accused was cancelled. His bail bonds and surety bonds were directed to be forfeited to State and nonailable warrants were issued for securing his presence on 24.11.2021. The warrants of arrest were not executed. Thereafter, proclamation proceedings were initiated against petitioner. As and when petitioner got to know of initiation of proclamation proceedings, he applied for anticipatory bail which has been dismissed vide order dated 30.5.2022 of learned Additional Sessions Judge, Chandigarh.

Learned counsel for petitioner states that non appearance of petitioner was not intentional. Infact, due to COVID 2019, the matters were not taken up. He was not aware that case has been fixed for hearing. It was never the intention of petitioner to evade the process of Court. He is ready and willing to surrender before trial Court.

This petition is disposed of with a direction that petitioner may appear before trial Court on or before 18.7.2022. On his doing so, he shall be admitted to bail by trial Court to its satisfaction. The petitioner shall also file an undertaking to appear before the trial Court on each and every date of hearing. This shall, however, be subject to deposit by petitioner of an amount of Rs. 15,000/- with the Director, PGIMER, Poor Patient Welfare Fund, Chandigarh.

(HARINDER SINGH SIDHU)
JUDGE

8.7.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No