

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

CRM-M-30421-2022
Date of Decision:-21.07.2022

SATENDER ... Petitioner
Versus
RAM NIWAS AND ANOTHER ... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in CRA/61/2021 (Annexure P-2) arising out in case No.3424-RBT dated 14.12.2015/13.06.2017 (Annexure P-3), CNR No.HRGR03-016317-2015 titled as Satender Vs. Ram Niwas instituted on 25.3.2021 under Sections 138 of Negotiable Instruments Act, District Gurugram.

The counsel for the petitioner contends that due to unavoidable circumstances the petitioner failed to appear in the Appellate Court at Gurugram and accordingly his bail was cancelled and he was arrested on 26.5.2022 and since then he is in custody and as such prays for grant of regular bail.

Notice of motion.

On the asking of the Court, Mr. Naveen Kumar Sheoran, DAG, accepts notice on behalf of State of Haryana.

As per Annexure P-3, the petitioner was convicted and sentenced to imprisonment under Section 138 of Negotiable Instruments Act by the Court of Judicial Magistrate Ist Class, Gurugram vide judgment/order dated 23.2.2021. The petitioner filed appeal against the said judgment and order. While taking cognizance of the said appeal, the Appellate Court directed the petitioner to deposit 20% of the compensation amount vide order dated 25.3.2021.

Admittedly the offence under Section 138 of Negotiable Instruments Act is a bailable offence and the petitioner is in custody since 26.5.2022 and it will take time for disposal of the appeal, which is pending before the Court of learned of Additional Sessions Judge Gurugram.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail and surety bonds to the satisfaction of the 1st Appellate Court concerned, where his appeal is pending and he is further directed to comply with the order dated 25.3.2021 passed by the 1st Appellate Court regarding deposit of 20% of the compensation amount within next 2 weeks, failing which the present petition shall automatically stands dismissed.

(KARAMJIT SINGH)
JUDGE

21.07.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No