

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-43884-2022**

Date of Decision: September 22, 2022

Vimal Kumar

...Petitioner

Versus

Sandeep and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana,
for respondent No. 2 - State.

SANJAY VASHISTH, J.

By way of present petition, petitioner is seeking anticipatory bail on account of issuance of non-bailable warrants in complaint case No. NACT 39/2018, dated 12.04.2018, under Section 138 of the Negotiable Instruments Act, 1881, titled as "Sandeep v. Vimal Kumar, pending in the Court of learned Sub Divisional Judicial Magistrate, Kanina.

Learned counsel for the petitioner submits that the offence for which petitioner has been summoned by the Court is bailable, however, because of issuance of non-bailable warrants, vide orders dated 11.03.2022 and 26.05.2022 (Annexures P-4 and P-5, respectively), passed by learned Sub Divisional Judicial Magistrate, Kanina, petitioner is apprehensive of his arrest.

Notice of motion to respondent-State only.

On asking of Court, Mr. Ashish Yadav, Additional Advocate General, Haryana, who is present in the Court accepts notice. Complete copy of the paper book has been supplied to him. After going through the contents of the present petition, learned State counsel has not raised any serious objection to the prayer made.

Seeing the nature of controversy, there is no necessity of filing of formal reply in the present petition.

Having heard learned counsel and going through the available record, I am of the view that non-bailable warrants against the petitioner have been issued by the Court only for the purpose of securing his presence.

It is, thus, observed that in case petitioner puts an appearance before the summoning Court on or before 26.09.2022, orders issuing non-bailable warrants against the petitioner would be deemed to be inoperative and accordingly, he would be released on bail subject to the satisfaction of the concerned Court, in accordance with law.

Present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

September 22, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**