

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

202

**CRM-M-53926 of 2021
Date of Decision:23.02.2022**

Naveen Mandhan

..... Petitioner

Versus

Gurdev Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Mayur Karkra, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 22.12.2021 the following order had been passed by this court:-

“Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., in the context of Criminal Complaint no.COMI/70/2016, titled as Gurdev Singh v. Naveen Mandhan and others, pending in the court of the learned SDJM, Pehowa, District Kurukshetra, wherein the petitioner has been summoned for the alleged commission of offences punishable under Section 420 of the IPC, read with Section 138 of the Negotiable Instruments Act, 1881; and with eventually proceedings under Section 82 of the Cr.P.C. having been initiated against him.

Learned counsel for the petitioner first points to the order of the learned trial court dated 14.10.2019, directing that notice/summons etc. be issued to the petitioner returnable on 02.03.2020, which is the

only date on which the petitioner did not actually appear before that court upon service of such notice/summons; and thereforeailable warrants were directed to be issued to secure his presence, vide the order dated 02.03.2020, at that stage returnable on 03.06.2020.

He submits that thereafter right till 17.05.2021 the matter kept getting adjourned due to the ongoing pandemic, after which, on 10.11.2021, the following order was recorded:-

“Accused Naveen Mandhan is absent despite due execution ofailable warrant. He be summoned for 01.12.2021 through warrant of arrest.”

After that, on 01.12.2021, the learned trial court recorded that the petitioner had been intentionally avoiding his appearance before the court and therefore his presence could not be procured through even a warrant of arrest and consequently proclamation was ordered to be effected, with the next date of hearing before that court being 07.01.2022.

He submits that other than the initial notice received by the petitioner returnable on 02.03.2020, he was not aware of the proceedings.

Though it is difficult to believe that the petitioner, after having been duly served of such notice at the initial stage, did not even know of the proceedings whereas it was his duty to determine the stage of the proceedings on each consecutive date, yet, keeping in view the fact that hearing in the matter was adjourned from time to time due to the ongoing pandemic, notice of motion be issued, returnable on 23.02.2022.

In the meanwhile, upon the petitioner surrendering before the trial court on or before 07.01.2022, he would be admitted to interim bail to the satisfaction of that court, till the next date of hearing before this court.”

Today learned counsel for the petitioner submits that the petitioner surrendered before the trial court on 30.12.2021 and was admitted to interim bail by that court on furnishing bail and surety bonds in the sum of Rs.1,00,000/- each.

As per the report of the Registry, though respondent no.1 (complainant) is seen to be served of the notice issued in this petition, none appears for him.

Though no order of the trial court admitting the petitioner to interim bail has been provided by learned counsel for the petitioner, however accepting what he has stated at the bar to be correct, the order passed on 22.12.2021 is made absolute, subject to the petitioner continuing to appear before that court as and when summoned, failing which obviously his bail and surety bonds shall stand forfeited.

The petition is allowed as above.

February 23, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No