

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-59543-2022

Date of Decision: 20.12.2022

Anil Gupta

....Petitioner

VERSUS

The Hindu Cooperative Bank Limited, Pathankot

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed by the petitioner seeking setting aside of order dated 11.5.2022 (Annexure P-8) passed by the Court of learned Sessions Judge, Pathankot in Criminal Appeal No.167 of 2018 Anil Gupta and another v. Hindu Cooperative Bank Limited, Pathankot whereby the bail order of the petitioner was cancelled and he was directed to be summoned through non-bailable warrants of arrest on account of the absence of the petitioner on that date.

Counsel for the petitioner submits that absence of the petitioner before the aforesaid appellate Court was not intentional and the aforesaid appeal has been filed by the petitioner against the judgment and order dated 26.10.2018 passed by the Court of learned JMIC, Pathankot whereby the petitioner was convicted and sentenced to imprisonment under Section 138 of Negotiable Instruments Act. He further submits that the aforesaid offence is a bailable offence and the petitioner is ready to join the proceedings before the appellate Court.

In view of above, the present petition is hereby disposed of with direction to the petitioner to appear before the appellate Court concerned within next 10 days and on his appearance, the petitioner is directed to be released on regular bail by the said Court subject to its own satisfaction and further subject to costs of ₹ 5000/- to be deposited by the petitioner with concerned District Legal Services Authority, Pathankot. However, the appellate Court will be at liberty to proceed against the petitioner and concerned surety under Section 446 of the Cr.P.C.

(KARAMJIT SINGH)
JUDGE

December 20, 2022

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No