

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

**CRM-M-2530-2023 (O&M)
Date of Decision: 17.01.2023**

KULDEEP SINGH

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Simranjeet Singh, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner has assailed the order dated 29.10.2022, Annexure P-3 passed by the Court of learned Sub-Divisional Judicial Magistrate, vide which bail of the petitioner has been cancelled, his bail bonds have been forfeited to the State and he has been ordered to be summoned through non-bailable warrants.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in a complaint under Section 138 of the Negotiable Instruments Act titled as Jitender Vs. Kuldeep. On 29.10.2022, neither the petitioner nor his counsel put appearance in the Court as they had mistaken the date of hearing. This is the first default on the part of the petitioner. The petitioner has also moved an application under Section 438 Cr.P.C. before the Court of learned Addl. Sessions Judge and it was disposed of with a direction that the petitioner shall surrender before the trial Court and his prayer for the bail may be considered. However, no interim protection has been extended to the petitioner.

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Keeping in view the fact that this is the first default on the part of the petitioner, the present petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court on or before 25.01.2023 and shall move an application for bail. The application for bail may be considered by the concerned Court in accordance with law and till the disposal of the application for bail, the arrest of the petitioner may not be effected. It is further directed that in the event of dismissal of the bail application, the interim protection extended to the petitioner will enure for a period of two weeks thereafter. This order is without prejudice to any proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and his surety.

17.01.2023

Janki

(VIVEK PURI)
JUDGE

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