

CRM-M- 16567-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 16567-2023 (O&M)

Date of Decision: 10.04.2023

Subhash Chander alias Subhash

... Petitioner

V/s.

Sunil Kumar

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Dr. Naresh Kaushik, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

The instant petition has been filed seeking impugning the order dated 20.03.2023 whereby the bail application filed by the petitioner for surrender was dismissed.

Learned counsel for the petitioner submits that the petitioner was convicted under Section 138 of Negotiable Instruments Act by learned trial Court vide order dated 07.03.2019 and assailed the same by way of

CRM-M- 16567-2023 (O&M)

-2-

filing the appeal before the learned Additional Sessions Judge and paid 20% of the total amount on 29.07.2021 as directed, where sentence of the petitioner was also suspended by Appellate Court and he duly attended the proceedings before the Appellate Court. But on the same day i.e. 03.03.2023, he filed an application for surrender granting bail to him. However, the same was illegally declined by learned trial Court vide impugned order dated 20.03.2023. He submits that the absence of the petitioner from the Court was totally unintentional and he surrendered as well and was taken into custody. He submits that the petitioner has already deposited 20% of the total amount as well and relies upon the order passed by the Co-ordinate Bench in CRM-M-15965-2023.

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner had deposited 20% of the cheque amount on 29.07.2021. Though the PO proceedings were initiated against him on 03.03.2023, however, as evident from the record, he surrendered on the very same date. Keeping in view the facts and circumstances of the case, this Court is of the opinion that the petitioner deserves to be granted bail subject to payment of Rs. 25,000/- as costs to be deposited in the Punjab and Haryana High Court, Bar Association Lawyer's Welfare Fund, Chandigarh by the petitioner in a period of ten days from the date of receipt of certified copy of this order.

Accordingly, order dated 20.03.2023 passed by learned Additional Sessions Judge, Sonipat is hereby set aside. In case the petitioner

files an application for bail along with receipt of cost within 15 days from the date of receipt of certified copy of this order, he be released on bail by learned Appellate Court to its satisfaction. Needless to say that in case the petitioner fails to comply with the above-said direction, he will have no benefit of above-said order of this Court and order under challenge dated 20.03.2023 would come in force.

(DEEPAK MANCHANDA)
JUDGE

10.04.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>