

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

CRM-M No.36949 of 2017
Date of decision: 8th November, 2023

Ashraf Khan

... Petitioner

Versus

Kirpal Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohd. Arshad, Advocate for the petitioner.
Mr. Vinay K. Pandey, Advocate for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking quashing of order dated 11.08.2017 (Annexure P-5) passed by the lower appellate Court vide which non-bailable warrants of arrest of the petitioner were issued by the Court of learned Additional Sessions Judge, Mewat in Criminal Appeal No.376 dated 24.12.2015 (criminal complaint No.116 dated 07.12.2010 under Section 138 of the Negotiable Instruments Act, 1881).

2. Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the Court below and it was only on one date i.e. 11.08.2017 that he was unable to put in an appearance on account of the fact that he was appearing in another case pending before learned Additional Sessions Judge, Nuh. He submits that it was thus, for a genuine reason that the petitioner was unable to put in an appearance before the Court. At the outset, learned counsel submits that the petitioner

is ready to appear and surrender before the Court below, and therefore, he be protected till then.

3. I have heard learned counsel for the parties and perused the relevant material on record.

4. In view of the limited prayer made by the learned counsel for the petitioner, the petition is disposed of with direction to the petitioner to appear and surrender before the Court below within seven days from today and move appropriate application for grant of bail. Till then, no coercive steps shall be taken against the petitioner. The Court below, on such application being moved, shall decide it expeditiously, in accordance with the provisions of law. However, it is made clear that in case the petitioner fails to surrender before the Court concerned within the above stipulated time period, this order shall be of no avail to him, thereafter.

(MANJARI NEHRU KAUL)
JUDGE

November 8, 2023
rps

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