

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

**CRM-M-22013-2023
Date of decision: 02.05.2023**

GULSHAN PASSI

...PETITIONER

VERSUS

RAGHUBIR KUMAR AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

VIVEK PURI, J. (ORAL)

1. Petitioner has assailed the order dated 26.04.2023 vide which the bail of the petitioner has been cancelled, his bail bonds and surety bonds have been forfeited to the State, has been ordered to be summoned through warrants of arrest and notice to the surety has also been issued.

2. Learned counsel for the petitioner contends that the petitioner has been convicted and sentenced for having committed the offence under Section 138 of Negotiable Instruments Act. The petitioner has challenged the judgment of conviction and order of sentence in the Court of Sessions, Sirsa. The dispute was amicably settled between the parties. The petitioner had undertaken to pay a sum of Rs.5.6 lacs (inclusive of interest). An amount of Rs.3 lacs was to be paid on 26.04.2023 and the balance amount of Rs.2.6 lacs is to be paid on 26.05.2023. On account of some health issues, the petitioner could not put appearance in the learned appellate Court on 26.04.2023. It has been further submitted that the petitioner undertakes to pay an amount of Rs.3 lacs on 24.05.2023, the next date of hearing fixed in the trial Court and the balance amount of Rs.2.6 lacs will be paid in a reasonable time thereafter. The petitioner further undertakes to surrender before the learned appellate Court and move an

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application for regular bail. Learned counsel for the petitioner submits that meanwhile, the petitioner may be protected.

3. The present petition is disposed of with a direction that the petitioner shall surrender before the learned appellate Court on or before 24.05.2023, make a payment of Rs.3 lacs to the complainant and move an application for regular bail. In the event, the petitioner does the needful, the arrest of the petitioner may not be effected till the disposal of the bail application and for a period of two weeks, thereafter, in the event of dismissal of bail application. Furthermore, the petitioner shall be at liberty to move an application for extension of time for deposit of balance amount of Rs. 2.6 lacs which aspect may be considered by the learned appellate Court, keeping in view the undertaking already given by the petitioner and other facts and circumstances emerging in the case un-influenced by any observations made in the instant order. This order is without prejudice to the proceedings under Section 446 Cr.P.C that may be initiated against the petitioner and his surety.

02.05.2023
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(VIVEK PURI)
JUDGE

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