

104 **2023:PHHC:117496**
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44760-2023 (O&M)
Date of Decision: 06.09.2023

Vikas Rajpurohit

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Himanshu Sharma, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in a complaint under Section 138 of the Negotiable Instruments Act, 1881 vide case No. NACT/5095/2017 dated 14.07.2017.

2. Learned counsel for the petitioner has submitted that when the petitioner had filed an application for grant of anticipatory before the learned Additional Sessions Judge, Jalandhar, then the application was dismissed. However, it was directed that since the petitioner had absented only once and has been regularly appearing in the case, in case he surrenders within 15 days, then his bail application be decided expeditiously and preferably on the same day and the learned trial Court /Duty Magistrate is at liberty to proceed under Section 446 Cr.P.C against the petitioner. He submitted that the aforesaid order was passed on 01.05.2023 but he was not communicated by his counsel with regard to the

aforesaid order. He submitted that now in case fresh directions are issued, then he will surrender before the learned trial Court on or before 15 days from today.

- 3. Notice of motion.
- 4. Mr. Ramdeep Partap Singh, Senior DAG, Punjab accepts notice on behalf of State of Punjab and states that in view of the limited prayer made by the learned counsel for the petitioner, he has no objection in case the prayer is allowed by this Court.
- 5. In view of the statement made by the learned counsel for the petitioner on behalf of the petitioner that he will surrender before the trial Court on or before 15 days from today, he is directed to do so and it is also directed that on his surrender in case any application is filed for grant of regular bail, then the same shall be considered and decided by the learned trial Court as expeditiously as possible and preferably within a period of three working days.
- 6. In view of the above, the present petition is partly allowed.

06.09.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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