

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

CRM-M-54382-2023

DECIDED ON: 25.10.2023

KARNAIL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Suresh Kumar, Advocate for
Mr. Ilyas Khan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. This petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in CRA/18/2022 dated 30.03.2022 titled as Karnail Singh vs. Kuldeep Kaur & Another against the judgment dated 04.03.2022 passed by the Court of Ms. Pavleen Singh, PCS, Sub Divisional Judicial Magistrate, Dera Bassi in case No.78 dated 03.05.2017 bearing CIS No.NACT/132/2017 in which the bail granted to the petitioner was cancelled and bail bonds/ surety bonds has been forfeited and he has been summoned through non-bailable warrants on account of non-appearance of the petitioner before the Court below vide order dated 27.07.2023 (Annexure P-1).

2. Learned counsel for the petitioner asserts that the petitioner could not put in appearance before the trial Court on 27.07.2023 on account of miscommunication between him and his counsel, as the counsel was busy in some other court at Dera Bassi and the petitioner was actually present in the Court, but his presence could not be marked in time and non-bailable warrants have been issued for 12.09.2023 and for that order he was not informed duly and immediately once he came to know, he preferred an application for bail before the Court below, which

he has to withdraw, as the same was not maintainable. Finally, he has approached this Court urging that the matter between the parties stands settled vide a compromise dated 14.09.2023 (Annexure P-3) and complainant has already suffered a statement vide order dated 03.10.2023 (Annexure P-2) on the basis of said compromise.

- 3. Notice of motion.
- 4. On the asking of Court, Mr. Sandeep Kumar, DAG Punjab accepts notice on behalf of respondent-State.
- 5. Be that as it may, without going further into the controversy and the reasons for which the petitioner could not put appearance on 27.07.2023 and subsequently on 12.09.2023, the statement already stands suffered by the complainant, who has rendered his willingness to withdraw the application and given his consent not to pursue the said complaint under Section 138 of Negotiable Instruments Act, in the light of said compromise and in light of above, wherein the main complaint in all probability will be withdrawn and litigation between the parties will come to an end, no fruitful purpose would be serve by sending the petitioner behind the bars at this stage, as nothing is to be recovered, since the matter pertains to non-appearance of the petitioner before the Court below.
- 6. In the light of above, petitioner is directed to surrender before the Court below within a period of two weeks from today and in case, he moves any application for bail, the same shall be considered and decided expeditiously in accordance with law on that very day.
- 7. Petition stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

25.10.2023

Meenu

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