

283 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53993-2023

Date of Decision: 04.12.2023

Boota Singh @ Buta Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rishav Jain, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab,
for respondent No.1-State.

HARKESH MANUJA, J.(Oral)

1. By way of present petition under Section 438 Cr.P.C., prayer has been made for issuance of direction to the Investigating Officer to release the petitioner on anticipatory bail in complaint case No.NACT-423-2021, titled as “The Dirba Primary Coop. Agricultural Development Bank Limited, Dirba, Tehsil Dirba, District Sangrur through its Branch Manager vs. Boota Singh”, under Section 138 of the Negotiable Instruments Act, 1881.

2. On 23.10.2023, this Court passed the following order:-

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in complaint case No. NACT-423 of 2021 titled as “The Dirba Primary Coop. Agricultural Development Bank Limited, Dirba, Tehsil, Dirba, District Sangrur through its Bank Manager versus Boota Singh”.

Learned counsel appearing on behalf of the

petitioner inter alia contends that the petitioner was granted bail in the above said case under the Negotiable Instruments Act. However, on the date of hearing i.e. 21.07.2023, he could enter appearance as he noted a wrong date due to which the bail was cancelled. He undertakes to move an appropriate application for carrying out appropriate modifications/corrections in the petition. It is contended that the absence of the petitioner was inadvertent and on account of the wrong noting of the date and that the case is now fixed for 26.10.2023 and that he shall appear before the trial Court on the said date. He states that the matter was kept for notice of accusation on the said date and undertakes to deposit cost for the delay caused.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accept notice on behalf of respondent-State.

To come up on 04.12.2023, for further consideration.

In the meanwhile, in the event of the petitioner appearing before the trial Court on 26.10.2023, the date already fixed, he shall be admitted to interim bail subject to his furnishing bail bonds to the satisfaction of the trial Court and paying a cost of Rs. 3,000/- with the “District Legal Services Authority, Sangrur”.

3. Though, notice in the present case was issued to the respondents, however, the process fee qua respondent No.2 was never furnished by learned counsel for the petitioner, yet, at this stage, the present petition is being disposed of without effecting service upon respondent No.2, as the entire cause in the present petition is based on non-appearance of the petitioner before the Trial Court on one of the hearings, which is a matter between the petitioner and the court, thus, presence of respondent No.2 is not necessary in the present proceedings.

4. Today, learned counsel for the petitioner informs that the petitioner has already appeared before the Trial Court and has been released on bail. He also informs that in compliance of aforesaid order dated 23.10.2023, a sum of Rs.3000/- also stands deposited with the District Legal

Services Authority, Sangrur.

5. In view of the above, the present petition is disposed of and the order dated 23.10.2023 passed by this Court, is made absolute.

04.12.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no