

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:140404
CRM-M-55024-2023
Date of Decision: November 03, 2023

Balwinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vijay Rana, Advocate for the petitioner.
Respondent No.2-complainant Stabir Singh in person.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in a complaint case bearing No.NACT/49/2023 filed under Section 138 of the Negotiable Instruments Act, 1881, titled as *“Satbir Singh v. Balwinder Singh”*, pending in the Court of learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, District Ropar.

Learned counsel for the petitioner contends that petitioner was on bail and was appearing on each date. The matter was fixed on 07.10.2023. Petitioner appeared in the Court, but learned Presiding Officer was on leave. The Reader of that Court informed that matter shall be adjourned and that the petitioner could verify the date subsequently on e-Court portal. Petitioner came back to his home. Later on, petitioner came to know that the matter had been taken up by the Duty Magistrate and on account of non-appearance of the petitioner, his bail was cancelled and warrants of arrest were directed to be issued against him.

Learned counsel for the petitioner submits that the petitioner is ready to surrender before the Trial Court and he be provided necessary protection.

Though, no notice of motion has been issued to the respondents, but respondent No.2-complainant Satbir Singh has appeared in person and submits that in fact the petitioner had not intentionally appeared in the Court on 07.10.2023. Respondent No.2-complainant further contends that in fact, petitioner along with others had threatened respondent No.2-complainant regarding which complaint was sent by the Court to the S.H.O. concerned and on that basis, FIR No.0122, dated 07.10.2023 was registered at Police Station Anandpur Sahib, under Sections 148, 149, 341, 342, 506 and 323 of IPC. Copy of that FIR has been placed on record.

Heard.

A perusal of the copy of the FIR as placed on record by respondent No.2-complainant would reveal that allegations made by respondent No.2 in that case was against one Parvinder Singh Nijjar, who had allegedly threatened him, though it was stated that present petitioner Balwinder Singh was also present at that time. The authenticity of the allegations contained in the FIR are to be ascertained during the trial of that case.

As far as, present case is concerned, petitioner absented only on one date.

Considering the aforesaid circumstances, this petition is hereby disposed of with the direction to the petitioner to surrender before the Trial Court on or before 20.11.2023. On his such surrender, the Trial Court will be at liberty to initiate proceedings under Section 446 Cr.P.C. against the petitioner and after disposal of those proceedings, shall admit

bail to him. Till the disposal of the proceedings under Section 446 Cr.P.C., if initiated, the petitioner shall not be taken into custody. If in the meantime, due to issuance of warrants of arrest against the petitioner, he is sought to be arrested, he shall be admitted to interim bail to the satisfaction of the Arresting Officer.

November 03, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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