

S. No.122

2023:PHHC:147798

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

CRM-M-58536 of 2023

Date of Decision:21.11.2023

Kapil Takiar and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nimanyu Gautam, Advocate for the petitioners.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of impugned order dated 28.02.2023 passed by learned Additional Sessions Judge, Jalandhar in Criminal Appeal No.443 of 2019 dated 17.10.2019 in NACT Case No.2185 of 2013 dated 15.11.2013 under Section 138 of Negotiable Instruments Act, 1881, whereby warrants of arrest against the petitioners were issued.

In Criminal Appeal before learned Additional Sessions Judge, Jalandhar, against their conviction under Section 138 of Negotiable Instruments Act, 1881, petitioners were allowed bail by the Court of Sessions, by suspending their sentence under Section 389 Cr.P.C., vide order dated 17.10.2019 (Annexure P.2). Later on, petitioners avoided appearance before the Appellate Court on one pretext or the other and moved repeated applications for exemption. Fed up with the conduct of the appellants- petitioners, their bail was cancelled vide order dated 28.02.2023 and warrants of arrest were ordered to be issued against them.

Learned counsel for the petitioners concede that conduct of the petitioners is not good but he has made a prayer to grant only one opportunity to

the petitioners for making appearance subject to the condition which may be imposed by the Appellate Court.

This petition is hereby disposed of with direction to the petitioners to surrender before the Appellate Court concerned within a period of 15 days from today i.e. on or before 06.12.2023. On their such appearance, the Appellate Court will be at liberty to initiate proceedings under Section 446 Cr.P.C and only after disposal thereof, petitioners shall be admitted to bail. Till the disposal of the proceedings under Section 446 Cr.P.C., petitioners will not be taken into custody. In the meantime, if due to warrants of arrest having been issued against the petitioners, thye are sought to be arrested, they shall be admitted to interim bail to the satisfaction of the Arresting Officer.

November 21, 2023

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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No