

209

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

CRM-M-47710-2023 (O&M)

Date of decision : 24.01.2023

Kulwant Kaur Dhillon

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prabhdeep Singh Toor, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in criminal complaint No.NACT/185/2021 dated 16.04.2021, under Section 138 of the Negotiable Instruments Act, 1881, pending in the Court of learned Judicial Magistrate First Class, Malerkotla.

2. Allegations are that petitioner issued cheque for an amount of Rs.4,50,000/- to discharge her legally enforceable liability, in favour of the complainant, but the same was dishonoured upon presentation.

3. This Court, on 21.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter-alia that petitioner could not appear before the learned trial Court on 02.11.2022 and 20.12.2022 on account of the ‘No-work day’ announced by

District Bar Association, Malerkotla and as such, her non-appearance was not intentional.

Notice of motion for 15.11.2023.

In the meantime, petitioner shall join proceedings before the learned trial Court and on her doing so, she be released on interim bail on furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Contends that in terms of the aforesaid order, petitioner has already surrendered before learned trial Court and admitted to interim bail. In support of his assertion, learned counsel has produced a copy of order dated 06.10.2023 passed by learned Sub Divisional Judicial Magistrate, Malerkotla and the same is taken on record as Mark ‘X’.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court.

6. In view of above, interim order dated 21.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall regularly appear before learned Court below, without seeking unnecessary adjournment(s).

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

10. Pending application(s), if any, shall also stand disposed off.

24.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No