



108

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

**CRM-M-60262-2024
DECIDED ON: 02.12.2024**

LOONA RAM ALIAS LUNA RAM **.....PETITIONER**

VERSUS

DINESH MEHTA AND ANR **.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Paramjit Singh Jammu, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS Act, 2023 seeking anticipatory bail in in complaint No.NACT/777/2021 dated 16.07.2021, as the petitioner could not appear on 30.08.2024 and bail order was cancelled and non-bailabvle warrants were issued and subsequently vide order dated 30.10.2024 (Annexure P-3), the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court, as he was not in a position due to some unavoidable circumstances. It is further contended on behalf of the petitioner that he has informed his counsel before the trial Court to move application for grant of exemption from personal appearance and he remained under the impression that the application has been moved, but later on he came to know that no such application had been moved. He undertakes before this Court that the petitioner is ready and willing to surrender before the trial Court.

3. Without going further into the controversy, once the petitioner is ready and willing to join the trial proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petitioner at this stage itself.

4. The petitioner shall surrender before the trial Court within a period of 7 days from today and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

5. However, this Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that trial has been delayed unnecessarily in a complaint bearing No.NACT/777/2021 dated 16.07.2021, under Section 138 of Negotiable Instruments Act, 1881 and on that account, the judicial process is not only withheld but the rights of the complainant have also been effected.

6. As a penalty for causing delay in the judicial process in the instant complaint, the petitioner is penalized with a cost of Rs.10,000/-. The cost shall be deposited through RTGS with the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh.

7. A copy of receipt qua the deposit of such cost shall be furnished before the trial Court at the time of surrender.

8. The petition stands disposed off, in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

02.12.2024

Meenu

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