



2017 PLRonline 0202

Nitin Monga vs State Of Punjab & Anr on 26 July, 2017

PUNJAB AND HARYANA HIGH COURT

Justice A. B. Chaudhari.

NITIN MONGA – Petitioner,

Versus

STATE OF PUNJAB & another – Respondents.

CRL. MISC. No.M-26597 OF 2017 (O&M)

26.07.2017

Bail – Cancellation of – Non bailable warrants issued - Petitioner is granted anticipatory bail on the bail bonds earlier furnished by him before the trial Court.

Mr. Yogesh Kumar Aneja, for the petitioner.
Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

A. B. CHAUDHARI, J. (ORAL) - Heard.

2. Notice of motion to the State only.

3. It is not necessary to issue notice to respondent No.2 in view of the following order which is being passed.

4. Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab accepts notice on behalf of the State.

Rule.

5. Heard forthwith with consent of learned counsel for the parties.

6. In a complaint case registered under Section 138 of the Negotiable Instruments Act in the sum of Rs. 1,00,000/-, the petitioner was released on regular bail on 24.04.2017 by JMIC, Fazilka. He furnished

his bail bonds. However on 01.06.2017 he remained absent without any intimation to the trial Court that is why the trial Court forfeited his surety and issued non-bailable warrants vide order dated 01.06.2017 (Annexure P- 4). His attempt to anticipatory bail failed. Hence this petition.

7. Without finding any fault with the order of the trial Court and Sessions Court, I find that looking to the peculiar facts that the cheque amount of Rs. 1,00,000/- is involved and the case being under Section 138 Negotiable Instruments Act, there is no point to put the petitioner in custody.

8. In that view of the matter, I think the petitioner should be given one more chance. Hence, I make the following order:

ORDER

(i) Rule is made absolute.

(ii) CRL. MISC. No.M-26597 OF 2017 is allowed.

(iii) The impugned order dated 01.06.2017 (Annexure P-4) passed by JMIC, Fazilka issuing non-bailable warrant, is set aside.

(iv) The petitioner is granted anticipatory bail on the bail bonds earlier furnished by him before the trial Court.

(v) The petitioner would appear before the concerned Court with promptitude till the completion of trial.

(vi) Any further failure on the part of the petitioner shall result into trial Court taking him in custody.

Disposed of accordingly.