

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

Crl. Misc. No.M-22970 of 2010
Date of decision: 30.11.2010

Vidya Shankar Pathak

.. Petitioner

Versus

State of Haryana and another

.. Respondents

Present:-

Mr.S.M.Tripathi, Advocate,
for the petitioner.

Mr.K.C.Gupta, Sr.DAG, Haryana.

Mr.Mahesh Dheer, Advocate
for the complainant-respondent No.2.

* * * *

S.S. SARON, J.

Heard counsel for the parties.

The petitioner seeks pre-arrest bail in a complaint case.

The case arises out of a complaint filed by the State Bank of India through its Branch Manager, Branch Office, Sector 16, Panchkula (respondent No.2) under Section 138 of Negotiable Instruments Act.

The case was initially being tried in the Court of learned Additional Chief Judicial Magistrate, Panchkula. However, on 08.06.2010, it was transferred to the Court of learned Judicial Magistrate Ist Class, Panchkula. Therefore, the petitioner could not trace out the case in the cause list of learned Additional Chief Judicial Magistrate and was under the impression that he had noted a wrong date. According to the learned counsel for the petitioner, it is only on account of the said reason that petitioner could not appear before the transferee Court.

Learned counsel appearing for respondent No.2 has, however, submitted that the petitioner is a habitual absentee. He has

referred to the order dated 04.08.2010 (Annexure P-2) passed by learned Additional Sessions Judge, Panchkula while declining the bail to the petitioner. It has been observed in the said order that the presence of the petitioner has been procured with great difficulty and he is habitual of taking exemptions on one ground or the other. On an earlier occasion also, he remained absent from the Court on 18.11.2006 and he had remained absent for some time. At present also, he was absent from the learned trial Court since 08.06.2010 and after a period of about 2 months, he was appearing to seek anticipatory bail.

Be that as it may, it is not in dispute that now the petitioner has put in appearance on 14.08.2010 in compliance to the order dated 11.08.2010 passed by this Court. He has also furnished an undertaking by way of affidavit that he will never absent himself from the proceedings in the case in future except with the prior permission of the Court. The offence for which the petitioner is being tried is a bailable one.

In the aforementioned facts and circumstances, the interim bail granted to the petitioner vide order dated 11.08.2010 is made absolute.

The criminal miscellaneous petition stands disposed of.

November 30, 2011
sukhpreet

(S.S. SARON)
JUDGE