

BA No.365 dated 30.11.2018
CNR No.PBLD01-026957-2018
CIS No.BA-17459-2018
Date of Decision : 07.12.2018

Present : Sh.Vaarul Jain, Advocate for applicant-accused;
Sh.Vijay Kumar Bhatia, Advocate for respondent-complainant;

The present application for grant of anticipatory bail has been filed by the applicant-accused Surinder Mahajan son of Sh.Parshottam Lal in criminal complaint under Section 138 Negotiable Instruments Act bearing CIS No.COMA 2477 of 2017 pending in the Court of Sh.Anoop Singh, learned Judicial Magistrate Ist Class, Ludhiana.

2. Upon notice, the respondent-complainant appeared through counsel and contested the bail application. Record of learned Trial Court has been requisitioned and perused.

3. Arguments heard. The order dated 12.11.2018 has been passed by learned Trial Court as below:-

“Exemption application has been filed on behalf of accused through proxy counsel. Heard. The instant application for exemption of accused is hereby declined being frivolous. His bail bonds stands cancelled. Let non-bailable warrants of accused Surinder Mahajan be now issued for 28.11.2018. Notice to his surety be also issued for the said date.”

4. A perusal of the aforesaid order shall reveal that the learned Trial Court has cancelled only the bail bonds. The bail order vide which the applicant-accused was granted bail has not been cancelled. Hence the bail order of the applicant-accused is still intact and in this manner the applicant-accused can appear and furnish bail/surety bonds to the satisfaction of the learned Trial Court. Since the bail order of the applicant-accused has not been cancelled the non-bailable warrants of arrest have been issued in order to secure the

Surinder Mahajan Versus Harjit Singh (BA 17459/2018)
Order Dated 07.12.2018

presence of the applicant-accused. For this reason the present

-2-

application for grant of anticipatory bail is not maintainable and is liable to be dismissed.

5. For the reasons recorded above, the present bail application is hereby dismissed. Learned Trial Court record be returned along with a copy of this order. Present file is ordered to be consigned to Record Room.

Pronounced in open Court;
Dated : 07.12.2018

Arun Kumar Aggarwal,
Additional Sessions Judge,
Ludhiana
(UID No.PB0196)