

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
204

CRM No.M-13572 of 2014

Date of Decision:16.01.2015

Gurdial Singh

.....Petitioner

Versus

Mangal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.H.S.Batth, Advocate,
for the petitioner.**

**Mr.Gursimran Singh, Advocate,
for the respondent.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of pre-arrest bail, in a criminal case instituted on a private complaint by complainant-Mangal Singh son of Vazir Singh, respondent, (for brevity “the complainant”), in which, he was summoned to face trial for the commission of an offence punishable under Section 138 of The Negotiable Instruments Act.

2. Notice of the petition was issued to the respondent.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and considering the entire matter deeply, to my mind, there is no merit in the instant petition in this context.
4. As is evident from the impugned order that, initially, the petitioner had surrendered in the trial Court, when proclamation under

Sections 82/83 Cr.P.C. was issued against him. As soon as, the case was listed for final arguments, he again absented from the court on 18.09.2012 and was ordered to be summoned through non-bailable warrant of arrest. His presence could not be secured even after issuance of proclamation under Sections 82/83 Cr.P.C. Ultimately, he was declared proclaimed offender by means of order dated 15.11.2012 by the trial Court.

5. Instead of submitting to the jurisdiction of the trial Court and making the payment of the impugned cheque amount, the petitioner has preferred the instant petition for the grant of anticipatory bail.

6. During the course of preliminary hearing, a Coordinate Bench(T.P.S.Mann, J.) of this Court passed the following order on April 23, 2014:-

“Learned counsel for the petitioner submits that the petitioner is ready and willing to settle the matter with the respondent by paying the entire cheque amount along with reasonable amount as interest.

Notice of motion for 19.5.2014.

In the meantime, the petitioner shall surrender before the trial Court on or before 2.5.2014. In the event of his doing so, he be admitted to ad interim bail by the said Court to its satisfaction.”

7. Not only that, on the request of the petitioner, the matter was referred to the Mediation & Conciliation Centre, by virtue of order dated May 19, 2014 by this Court. But as per report, the petitioner did not appear before the Mediation Centre, for the reasons best known to him.

8. What cannot possibly be disputed here is that, the petitioner has neither appeared before the Mediation Centre of this Court nor paid the impugned cheque amount to the complainant, as agreed. Therefore,

taking into consideration the previous conduct of the petitioner, to my mind, he is not entitled to the concession of anticipatory bail in the obtaining circumstances of the case.

9. In the light of aforesaid reasons and taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above, as there is no merit, therefore, the instant petition for pre-arrest bail filed by petitioner is hereby dismissed as such.

January 16, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE