

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.

Crl.Misc. No.M-18881 of 2015  
Date of Decision : 8.6.2015

Sham Sunder Kapoor

.....Petitioner

Vs.

M/s Ram Gopal Ramesh Kumar

.....Respondent

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CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Mr. Gagandeep Singh, Advocate for the petitioner.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in complaint case No.31/2009 dated 20.10.2009/7.1.2013 under Section 138 of the Negotiable Instruments Act, 1881 read with Section 417/420 IPC.

Learned counsel for the petitioner submits that as a matter of fact, petitioner was facing more than one similar complaint. He remained under the bonafide impression that once he was appearing in the same court, he was being marked present in all the cases. Due to a serious communication gap between the petitioner and his counsel, he was declared proclaimed offender. He further submits that since the issue in the complaint was pertaining to Section 138 of the Negotiable Instruments Act, 1881 petitioner is ready to deposit the entire outstanding amount against him, before the learned trial court

at the time of furnishing his bail/surety bonds. He prays for allowing the present petition.

Having heard learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, it is not felt necessary to issue notice to the respondent-complainant, for the reason that the petitioner is ready to deposit the entire outstanding amount in favour of the respondent-complainant before the learned trial court, at the time of furnishing his bail/surety bonds.

In view of the above, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail/surety bonds to the satisfaction of the learned trial court/Duty Magistrate, Amritsar. However, it is made clear that the bail/surety bonds furnished by the petitioner shall be accepted by the learned trial court/Duty Magistrate only when the petitioner deposits the entire outstanding amount in favour of the complainant-respondent, as stated by learned counsel for the petitioner before this court.

Disposed of, accordingly.

8.6.2015  
GS

(RAMESHWAR SINGH MALIK)  
JUDGE