

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-27013 of 2015
Date of Decision: August 14, 2015

Sukhjit Bedi and another
.....Petitioner

Vs.

State of Punjab and another
.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Vivek Goel, Advocate for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioners seek the concession of pre-arrest bail in proceedings under Section 138 of the Negotiable Instruments Act.

Counsel for the petitioners informs that the petitioners had been appearing before the trial Court for a period of more than two years but they absented on October 17, 2014 resulting in issuance of non-bailable warrants against them.

Heard.

The petitioners were also got declared proclaimed offender on January 20, 2015. The learned Additional Sessions Judge appears to have declined the grant of concession of pre-arrest bail to the petitioners on the ground that they have been declared proclaimed offenders as such they

would not be entitled to the concession of pre-arrest bail. Reliance has been placed on a judgment of **Lavesh Vs. State (NCT of Delhi)**, (2012) 8 SCC 730, wherein the absconder had been declined concession of pre-arrest bail as he had not made himself available for interrogation in investigation. The reliance on said case by the learned Additional Sessions Judge appears to be misplaced.

This petition is disposed of with a direction that the petitioners will put in appearance before the trial Court on September 19, 2015 alongwith a bank draft of Rs.15000/- in the name of the complainant. The trial Court shall release the petitioners on bail on their furnishing bail bonds/ surety bonds and would take up the case which has been consigned to the record room. The bank draft will be paid to the complainant after issuing notice to it. The said amount will be considered as compensation/ cost for the unnecessary harassment caused to the complainant on account of non-appearance of the petitioners and would be deemed to fall under Section 309 Explanation 2 Cr.P.C.

It is pertinent to observe here that this petition has been disposed of in limine with an objective to save the complainant from unnecessary expenditure and in the interest of expeditious disposal of the proceedings. In case the order is not acceptable to the complainant, it will be open to the complainant to approach this Court for review of the order.

August 14, 2015
sanjay

(M.M.S.BEDI)
JUDGE