

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.29225 of 2015

Date of Decision:-31.08.2015

M/s Rama Exports India & Anr

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. P.S. Punia , Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner has been convicted for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 by Judicial Magistrate, Ist Class, Ludhiana and sentenced to undergo one year imprisonment along with fine of Rs.3000/-.

In the appeal filed by the petitioner the compromise was arrived at whereby it was agreed that a total sum of Rs.3,90,000/- would be paid by way of three installments. The first installment was to be paid on 20.05.2015 and thereafter the remaining installments on one and half month's interval each.

It is averred that on 20.05.2015 a sum of Rs.1.00 lac was paid and accepted. However, due to the illness of the petitioner, the next installment was due on 6.7.2015 could not be paid resulting into the issuance of the NBWs by the learned Additional Sessions Judge, Ludhiana

and now fixed for 10.09.2015.

Prayer in the present petition under Section 438 Cr.PC is for grant of anticipatory bail in order to join the proceedings before the Appellate Court.

It is contended that the petitioner is ready and willing to pay the entire outstanding amount on or before the next date of hearing fixed before the learned Appellate Court.

After hearing learned Counsel for the petitioner, the prayer of the petitioner is liable to be accepted, however, subject to some compensatory costs.

Accordingly, the present petition is disposed of with the directions that on deposit of the entire amount due i.e. Rs.2,90,000/- (including interest) on or before the next date of hearing along with the additional amount of Rs.10,000/- as costs to the complainant and another sum of Rs.10,000/- as costs with the State Legal Services Authority, Ludhiana, the petitioner shall be released on bail subject to the satisfaction of the Appellate Court.

Disposed of in the above terms.

**(JASWANT SINGH)
JUDGE**

August 31, 2015
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