

CRM-M-7946-2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision:07.04.2015

Prashant Kapoor

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab.

Mr. Prashant Bansal, Advocate,
for respondent no.2.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case arising out of complaint case No.405 dated 24.12.2013, under Section 138 of the Negotiable Instruments Act, pending in the Court of Sub Divisional Judicial Magistrate, Rajpura, District Patiala.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that in compliance

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of order dated 12.03.2015, the petitioner has appeared before the trial Court and submitted bail bonds to the satisfaction of the trial Court. Learned counsel further contends that the petitioner has joined the process of law.

Per contra, learned counsel for respondent no.2 vehemently oppose the contentions of learned counsel for the petitioner and contends that the petitioner was declared proclaimed offender and as such, he cannot be granted anticipatory bail. In support of his contentions, learned counsel relies upon *State of Madhya Pradesh vs. Pradeep Sharma* 2014 (1) RCR (Criminal) 269.

I have considered the rival contentions of learned counsel for the parties.

Vide order dated 12.03.2015, this Court directed the petitioner to appear before the trial Court and submit bail bonds. The interim relief has already been granted to the petitioner.

In the present petition, the point for determination is whether the petitioner has been rightly declared proclaimed offender. Otherwise also, the offence under Section 138 of the Negotiable Instruments Act is bailable in nature. The petitioner has already given an undertaking that he would submit to the process of law and would furnish the bail bonds to the satisfaction of the trial Court. Since the offence under Section 138 of the Negotiable Instruments Act is bailable in nature and warrants of arrest has been issued against the petitioner, this Court vide order dated 12.03.2015 directed the petitioner to appear before the trial Court and

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submit bail bonds to the satisfaction of the trial Court. The petitioner has complied with the directions handed down vide order dated 12.03.2015.

Having considered the facts and circumstances of the case, order dated 12.03.2015 passed by this Court is made absolute. The case law (supra) relied upon by learned counsel for respondent no.2 is not found to be applicable to the facts and circumstances of the present case.

Present petition is disposed of accordingly.

07.04.2015
parveen kumar

(Paramjeet Singh)
Judge