

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

***CRM No.M-11273 of 2016 (O&M)
Date of Decision: 12.05.2016***

Gurjant Singh

... Petitioner

Versus

Harjit Singh and another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ashish Grover, Advocate for the petitioner.

Mr. A.S. Ahluwalia, Advocate for respondent No.1.

Ms. Anmol Grewal, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in complaint case filed under Section 138 of the Negotiable Instrument Act, 1881.

Counsel for the petitioner as also for the complainant, Harjit Singh have been heard.

The uncontroverted facts are that the present petitioner was convicted for offence under Section 138 of the Negotiable Instrument Act vide judgment dated 23.08.2013 passed by Sub Divisional Judicial Magistrate, Talwandi Sabo and was sentenced to undergo imprisonment for a period of two years and a fine of Rs.5,000/- had been imposed. The appeal was preferred by the petitioner against the judgment of conviction. During the pendency of the appeal, a compromise was effected and as per which a sum of Rs.2.50 lac was payable to the complainant, Harjit Singh. Such compromise of Rs.2.50 lac was against a cheque amount of Rs.2 lac that had been dishonoured.

It so transpires that the amount as per settlement could not be paid by the accused/present petitioner in time and accordingly, the complainant, Harjit Singh filed an application for revival of the appeal. Such application is still pending consideration.

It also stands uncontroverted that the entire amount of Rs.2.50 lac as per settlement now stands made over to the complainant.

There would be no dispute that there was a delay on the part of the present petitioner in making the payment to the complainant as per settlement as also as per undertaking furnished before the Court.

While issuing notice of motion on 01.04.2016 in the instant petition, the petitioner was directed to appear before the Court on the date already fixed and upon doing so, was held entitled to interim bail.

Petitioner has put in appearance before the Court below on 04.04.2016 and has been admitted to interim bail on furnishing requisite bail bonds.

Learned counsel appearing for the petitioner would fairly concede that there was a lapse on the part of the accused/petitioner, Gurjant Singh and for which he is ready and willing to compensate the complainant by an additional amount of Rs.25,000/-. Such offer is acceptable to even counsel appearing for the complainant.

In the light of such undertaking furnished, the present petition is allowed. Order dated 01.04.2016 passed by this Court is made absolute.

It is made clear that the additional amount of Rs.25,000/- over and above the settlement that was already arrived at would be paid to the complainant on the next date fixed before the trial Court i.e. 21.05.2016. In the eventuality of the petitioner doing so, counsel appearing for the

complainant states that the application seeking revival of the appeal would also not be pressed and would be withdrawn.

Petition is disposed of.

12.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**