

CRM-M-13539-2016 (O&M)

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

**CRM-M-13539-2016 (O&M).
Decided on: April 25, 2016.**

Subhash Chand

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

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

**PRESENT Mr.R.S.Malik, Advocate,
for the petitioner.**

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

Petitioner apprehends arrest in proceedings under Section 138 of the Negotiable Instruments Act, as after payment of substantial amount of the cheque, extension of time was declined to the petitioner.

Counsel for the petitioner informs that subject matter of the complaint is a cheque of Rs.18 lacs and that only a sum of Rs.2,70,000/- remains to be paid.

The application for pre-arrest bail has been dismissed by the Additional Sessions Judge, Ambala, by forming an opinion that the petitioner is not ready for making payment of the remaining principal amount as per order dated 16.3.2016 and that grant of time to arrange payment is not justified.

Counsel for the petitioner submits that the petitioner

is ready to discharge his liability within a period of two months.

Considering the statement of the counsel for the petitioner as an undertaking on behalf of the petitioner, I deem it appropriate to dispose of this petition in limine in order to save the respondent No.2-complainant lady from unnecessary litigation expenses and harassment.

This petition is disposed of with a direction that petitioner will put in appearance before the trial Court within a period of 15 days or on the next date of hearing fixed before the trial Court whichever is earlier. He will be released on bail by the trial Court on his furnishing bail bonds/surety bonds subject to the condition that the petitioner will pay an additional costs of Rs.20,000/- to the complainant in the shape of bank draft on appearance besides the remaining principal amount which will be payable within a period of two months from today. The amount of Rs.20,000/- in the shape of bank draft in the name of the complainant will be deemed to be costs of unnecessary harassment and adjournments caused by the act of the petitioner under Section 309 Explanation 2 of the Code of Criminal Procedure.

It will be open to the petitioner to seek compounding of the case as per judgment in **Damodar S. Prabhu V/S Sayed Babalal H., 2010 (2) RCR (Crl.) 851.** It is further directed that in case the petitioner after payment of costs of Rs.20,000/- does not make an attempt to compound the offence in terms of judgment in **Damodar**

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S. Prabhu (supra) case, it will be open to the trial Court to proceed in accordance with law in the complaint.

The petitioner will not absent himself without any sufficient cause during the entire period of trial.

In case a sum of Rs.20,000/- is not paid on the date of appearance, this petition will be deemed to have been dismissed.

April 25, 2016.
rkap

(M.M.S. BEDI)
JUDGE