

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21781-2016

Date of decision: June 30, 2016.

Pawan Kumar

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Mr. Vijay Kumar, Advocate for
Mr. Sunil Doda, Advocate for the petitioner.

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

A.B. Chaudhari, J. (Oral):

In a pending private complaint case under Section 138 of the Negotiable Instruments Act in relation to the cheque amount of Rs.13,000/-, the petitioner-accused remained absent for some dates due to which the trial Magistrate declared him proclaimed offender. Instead of approaching the Magistrate, the petitioner filed application before the Sessions Court for grant of anticipatory bail which was turned down, inter-alia, on the ground that the petitioner ought to have approached the learned Magistrate.

With reference to para 5 of the petition, learned Counsel for the petitioner states that out of cheque amount of Rs.13,000/-, an amount of Rs.8,000/- already stood paid. He makes a further statement that henceforth

he would not default in his presence before the learned Magistrate in the

conduct of the said criminal complaint case and would also abide by the directions from the learned Magistrate.

In my opinion, in the background of the above facts, it would be appropriate to grant anticipatory bail to the petitioner in case FIR No.347 dated 24.12.2015 registered under Section 174-A IPC at PS City-1, Abohar, District Fazilka, with a further direction to him to file an undertaking in writing before the learned Magistrate that he would not make any default in future appearance before the learned Magistrate in the pending criminal complaint case. In the result, I make the following order:-

- (i) The application is allowed;
- (ii) The petitioner shall be released on bail on his furnishing personal bond in the sum of Rs.5,000/- with one surety of like amount before the learned Magistrate and except for default, the bail bond shall continue until the completion of trial;
- (iii) The learned Magistrate may expedite the trial in the light of the small amount involved.

June 30, 2016.
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[A.B. Chaudhari]
Judge