

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

CRM-M-21797-2016

Date of decision: June 30, 2016.

Gagandeep Singh

... **Petitioner**

v.

Avinash Kumar and another

... **Respondents**

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

Present: Mr. Harshit Jain, 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.4,00,000/-, the petitioner-accused remained absent on 9.10.2015 due to which the trial Magistrate declared him proclaimed offender vide the order of the same date and non-bailable warrants were issued. Eventually, the petitioner was arrested on 25.5.2016 and since then he is in judicial custody.

Learned Counsel for the petitioner makes a 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 bail to the petitioner in case bearing complaint No.55-A/16.5.2014 (Regd. No.NACT/0000067/2014) (titled as “Avinash Kumar versus Gagandeep Singh” pending before the Court of SDJM, Dhuri under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1) 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