

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-22782 of 2016

Date of Decision: July 11, 2016

Lakhwinder Singh @ Lucky

.....Petitioner

Vs.

State of Punjab and anr.

.....Respondents

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

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Present:- Mr.G.S. Bhatia, Advocate
for the petitioner.

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

Having been declared as a proclaimed offender in proceedings under Section 138 of the Negotiable Instruments Act, the petitioner has sought concession of pre-arrest bail.

After hearing counsel for the petitioner, it appears that the petitioner from the very inception did not appear before the trial Court claiming that the matter had actually been settled and the petitioner had agreed to re-pay the settled amount by way of instalments. Petitioner having paid two instalments did not pay the remaining instalments and the

complainant opted to launch prosecution under Section 138 of the Negotiable Instruments Act.

It is claimed that the petitioner did not have any knowledge about the pendency of the proceedings.

I am of the opinion that the allegation against the petitioner is that the cheque issued for a sum of Rs.1.50 lacs by the petitioner for discharging the liability, was dishonoured on presentation by complainant. Issuance of notice to the complainant will add to the harassment already suffered by the complainant besides burdening him with additional costs. Taking into consideration the said circumstance, I deem it appropriate to dispose of this petition in limine.

Notice to Advocate General, Punjab.

On the asking of the Court, Ms.H.K. Athwal, DAG, Punjab, accepts notice. Copy given.

This petition is disposed of in limine with a direction that the petitioner will put in appearance before the trial Court on July 30, 2016 alongwith a bank draft of Rs.20000/- in the name of the complainant and offer bail bonds. In case of petitioner's doing so he will be released on bail to the satisfaction of the trial Court. It will be open to the trial Court to revive the proceedings by issuing notice to the complainant. The sum of Rs.20000/- will be payable to the complainant as costs of unnecessary harassment and litigation caused on account of non-appearance of the

petitioner before the trial Court without prejudice to his rights to contest the proceedings under Section 138 of the Negotiable Instruments Act on merits.

It is made clear that in case the petitioner does not comply with this order, this petition will be deemed to have been dismissed.

July 11, 2016
sanjay

(M.M.S.BEDI)
JUDGE