

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

224

CRM-M-2701-2016

Date of Decision: January 29, 2016

SURINDER KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

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

Present: Mr.Gurmeet Singh Guri, Advocate for the petitioner

Mr.Sidakmeet Sandhu, AAG, Punjab

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

Petitioner is facing proceedings under Section 138 of the Negotiable Instruments Act on account of cheque of Rs.85,000/- issued by the petitioner to the complainant to discharge the liability, having been dishonoured. The petitioner was declared proclaimed offender on 1.8.2014. The petitioner was granted regular bail on 6.2.2015 but during the course of trial he again did not appear on 24.9.2015 as a result of which he was again declared proclaimed offender.

As the proceedings against the petitioner are under Section 138 of the Negotiable Instruments Act and the petitioner has been in custody w.e.f. 16.12.2015, striking a balance between the right of the personal liberty of the petitioner and the right of the complainant to have expeditious disposal of the case, I deem it appropriate to grant concession of bail to the petitioner by simultaneously compensating the complainant for unnecessary harassment in proceedings under Section 138 of the Negotiable Instruments Act.

The petition is allowed. It is ordered that the petitioner will appear before the trial Court(successor Court) and on doing so he will be released on bail on his furnishing bail bond and surety bond to the

satisfaction of the trial Court(successor Court) subject to the condition that the petitioner will submit a bank draft of Rs.15,000/- in the name of the complainant, before the trial Court(successor Court). The said bank draft would be handed over to the complainant and will be considered as costs of adjournment under Section 309 Explanation 2 of the Code of Criminal Procedure. The said bank draft will be handed over by the trial Court to the complainant after summoning him.

January 29, 2016
TSG

(M.M.S.BEDI)
JUDGE