

CRM-M-28739-2015 (O&M)

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

**CRM-M-28739-2015 (O&M).
Decided on: February 16, 2016.**

Yadwinder Singh

..... Petitioner(s)

Versus

State of Punjab and another

..... Respondent(s)

*** * ***

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

**PRESENT Mr.Simranjit Singh, Advocate,
for the petitioner.**

Ms.H.K.Athwal, DAG, Punjab.

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

Petitioner seeks concession of pre-arrest bail in proceeding under Section 138 of the Negotiable Instruments Act wherein the subject matter is cheque of Rs.1.45 lacs alleged to have been issued by the petitioner to the complainant-respondent No.2 to discharge his liability towards the loan received by him. The complaint is pending since 2010. The petitioner has been able to evade his liability for a pretty long time by hoodwinking the process of the Court.

Counsel for the petitioner has submitted that the matter be again referred to the Mediation and Conciliation Centre.

I have considered the facts and circumstances of the case and I am of the opinion that the complainant bank has been

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unnecessarily harassed for a long duration by the petitioner by adopting the evasive approach.

Pursuant to the interim orders passed by a Coordinate Bench of this Court on 27.8.2015, the petitioner has already put in appearance before the trial Court and was granted concession of interim bail.

In the interest of justice and striking a balance between the right of personal liberty of the petitioner and the right of complainant for expeditious disposal of the case, I deem it appropriate to dispose of this petition by passing an order that the petitioner would be permitted to participate in the proceedings under Section 138 of the Negotiable Instruments Act and contest the same subject to payment of a sum of Rs.10,000/- to the complainant as costs which would be deemed to be costs under Section 309 Explanation II Cr.P.C. for unnecessary harassment caused to respondent No.2- complainant. This amount will be in addition to a sum of Rs.15,000/- already deposited by the petitioner with the Punjab State Legal Services Authority.

This petition is disposed of with a direction that the petitioner will remain on bail against the bail bonds already furnished during further proceeding under Section 138 of the Negotiable Instruments Act subject to payment of costs of Rs.10,000/- which will be paid to the complainant Bank on next date of hearing in the shape of bank draft in the name of the complainant Bank as mentioned

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hereinbefore. The petitioner will not absent himself without any sufficient cause. The order declaring the petitioner as proclaimed offender on 18.5.2015 is rendered redundant with his having already put in appearance before the trial Court.

February 16, 2016.
rka

(M.M.S. BEDI)
JUDGE