

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-433 of 2016

Date of Decision: January 8, 2016

Chand Singh

.....Petitioner

Vs.

Nachhatar Singh and anr.

.....Respondents

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

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Present:- Mr. Rahul Rampal, Advocate for the petitioner.

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

Petitioner has been declared as a proclaimed person in proceedings under Section 138 of the Negotiable Instruments Act. His application for pre-arrest bail was disposed of with a direction to him to appear in the Court of Magistrate with a further direction that his application would be decided within a period of three days. No interim protection having been granted to the petitioner, the petitioner has approached this Court for pre-arrest bail.

I have considered the facts and circumstances of this case. The petitioner appears to have evaded his appearance before the trial Court after summons were served upon him on August 7, 2013. He has been able to linger on the proceedings under Section 138 of the Negotiable Instruments Act for a period of two years. The complainant has been unnecessarily

harassed by the aforesaid act of the petitioner. Since the petitioner is required to appear in proceedings under Section 138 of the Negotiable Instruments Act at the same time it does not appear to be a case where he should be sent in custody.

Striking a balance between the rights of complainant and the right of liberty of the petitioner, I deem it appropriate to dispose of this petition in limine in order to curtail further harassment to the complainant and to prevent him from further litigation expenditure.

This petition is disposed of with a direction that the petitioner will put in appearance before the trial Court (the successor Court) on February 6, 2016 alongwith a bank draft of Rs.20000/- in the name of the complainant and in case of petitioner's doing so, he will be released on bail to the satisfaction of the said Court. The complaint will be taken up and after notice having been issued to the complainant, the draft of Rs.20000/- will be handed over to the complainant. The said amount of Rs.20000/- will be deemed to be cost for adjournment under Explanation 2 of Section 309 Cr.P.C.

It is made clear that in case of non-compliance of this direction, this petition will be deemed to have been dismissed.

Since this order has been passed in limine, it will be open to the complainant to approach this Court in case he is not satisfied with this order.

January 8, 2016
sanjay

(M.M.S.BEDI)
JUDGE