

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-42785 of 2015
Date of Decision: January 22, 2016

Manohar Lal

.....Petitioner

Vs.

State of Punjab and anr.

.....Respondents

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

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Present:- Mr.A.P.S. Rehan, Advocate
for the petitioner.

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

Petitioner, during the pendency of the proceedings under Section 138 of the Negotiable Instruments Act, against him, had reached at a settlement with the complainant to repay the amount which is subject matter of the cheque in instlaments. He opted to absent himself on May 31, 2014 when the agreement was to be implemented. He was declared a proclaimed offender w.e.f. September 7, 2015. Apprehending arrest, he seeks concession of pre-arrest bail offering to honour the settlement already arrived at.

Counsel for the petitioner submits that he is ready to appear before the Court and honour the agreement.

I have considered the facts and circumstances of this case and I am of the opinion that the petitioner has been adopting an evasive approach to delay in discharge of his liability accruing from the cheque which has been dishonoured. Taking into consideration his offer to honour the agreement arrived at, I deem it appropriate to strike a balance between the right of liberty and the convenience of the complainant and to dispose of this petition in limine with an object to protect the complainant from further harassment.

In view of the above, the petition is disposed of and it is ordered that the petitioner will appear before the trial Court within a period of 15 days alongwith the bank draft of first instalment agreed to by him with an additional bank draft of Rs.25000/- which will be considered as cost payable to the complainant for the unnecessary harassment and delay caused on account of the conduct of the petitioner and would be deemed to be cost under provisions of Section 309 explanation 2 Cr.P.C. In case the petitioner does not comply with this order, this petition will be deemed to have been dismissed.

Since this petition has been disposed of in limine, it will be open to the complainant to approach this Court for review of the order in case the order is not acceptable to the complainant.

January 22, 2016
sanjay

(M.M.S.BEDI)
JUDGE