

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

CRM-M-44480-2016

Date of decision: December 19, 2016

Gurnam Singh

..Petitioner

Versus

Naresh Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

JASPAL SINGH, J.(ORAL)

Through the instant petition preferred under Section 439 of Code of Criminal Procedure, petitioner has sought the concession of bail, pending trial, in a complaint case No.128 dated 13.10.2009 captioned as *Naresh Kumar vs. Gurnam Singh*, under Section 138 of Negotiable Instrument Act pending in the Court of Ld. SDJM Sultanpur Lodhi, District Kapurthala, during the pendency of the trial.

Admittedly, the petitioner has been facing the trial in the above referred complaint case and on account of his absence during trial, his bail order/bail bonds were cancelled and forfeited to the State. Subsequently, since his presence could not be secured, he was declared proclaimed person. He was arrested in this case on 4th November, 2016 and since then he is cooling his heels behind the bars. Petitioner through his counsel undertakes that he would cooperate with the trial and would not repeat any such act of absenting from Court. Otherwise also, the disposal of the complaint is likely to take some considerable time and in the given circumstances, it would not be desirable to keep him behind the bars for an indefinite period.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on merits, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bonds at the satisfaction of the concerned trial Court/Duty Magistrate.

December 19, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No