

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-43845 of 2015

Date of Decision: January 5, 2016

Sukhdev Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

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

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Present:- Mr.Virender Soni, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl.A.G., Haryana.

Mr. Bhag Singh, Advocate.

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

Petitioner is an accused in proceedings under Section 138 of the Negotiable Instruments Act. The petitioner is alleged to have absented himself w.e.f. November 27, 2012. On account of he having been declared a proclaimed offender, the application for pre-arrest bail has been dismissed.

I have considered the facts and circumstances of the case.

Counsel for the complainant has intervened to oppose the petition for bail on the ground that the petitioner having been declared

a proclaimed offender, is not entitled to the concession of anticipatory bail.

The amount of the cheque in the present case is Rs.1.40 lacs. The complainant appears to have been unnecessarily harassed by the petitioner by evading appearance before the Court resulting in an inordinate delay in disposal of the complaint. Sending the petitioner behind bars during the pendency of the proceedings also does not appear to be in consonance with the provisions of Article 21 of the Constitution of India. In the interest of justice and expeditious disposal of the complaint, I deem it appropriate to compensate the complainant for the unnecessary delay caused on account of the conduct of the petitioner and enable him to face the proceedings.

Petition is disposed of with a direction that the petitioner will appear before the trial Court (the successor Court) on January 23, 2016 alongwith a bank draft of Rs.20000/- in the name of complainant. The said amount will be deemed to be cost for adjournment as per provisions of Section 309 Explanation 2 Cr.P.C. and paid to the complainant. In case of petitioner's doing so, he will be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court. The trial Court shall thereafter take up the further proceedings as it is apparent that the file has been consigned to the record room as per provisions of Section 299 Cr.P.C. The petitioner will remain on bail against the bail bonds furnished by him on his appearance before the counsel.

Date for appearance before the trial Court has been notified to the counsel for the complainant, also.

January 5, 2016
sanjay

(M.M.S.BEDI)
JUDGE