

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

CRM No. M-10197 of 2017.

Date of Decision: 30.03.2017.

Rakesh Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in complaint case No. 5437 of 2014 dated 27.05.2014 titled as “Jyoti Kumari vs. Rakesh Kumar” filed under Section 138 of Negotiable Instrument Act.

Learned counsel for the petitioner contends that the the petitioner had been regularly appearing before the trial Court on each and every date of hearing. On 27.07.2016 the petitioner could not appear before the trial Court on account of his ill-health as he was under depression and he remained under treatment. The petitioner is 65 year old. The petitioner is in custody since 27.02.2017.

On the other hand, the learned State counsel opposes the bail application. She informs that the case is pending for recording

statement of the accused under Section 313 Cr.P.C.

Heard.

Considering the fact that the petitioner had been appearing before the trial Court on each and every date of hearing; he could not appear before the Court on 27.07.2016 due to his ill-health; he is in custody since 27.02.2017; it is a complaint case and otherwise the offence under Section 138 of Negotiable Instrument Act is bailable so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned subject to payment of Rs.10,000/- as costs of litigation to be paid to the complainant.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

30.03.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No