

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

103

CRM-M No.25269 of 2017

DATE OF DECISION:21.07.2017

AMARJIT CHATHA

... Petitioner(s)

Vs.

M/S MALWA (LUDHIANA) MOTOR FINANCE LTD.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in complaint under Section 138 of Negotiable Instruments Act.

Learned counsel for the petitioner contends that the petitioner was not served and he could not appear in the case before the trial Court and was consequently declared as proclaimed person. Learned counsel for the petitioner has placed reliance on a similar petition preferred by the petitioner wherein a coordinate Bench of this Court in CRM-M-25373 of 2017 vide order dated 18.07.2017 had granted liberty to the petitioner to surrender before the trial Court within a week and the trial Court was directed to decide his bail application expeditiously. It was also observed therein that as the offence under Section 138 of Negotiable Instruments Act is bailable, the petition was misconceived and as the petitioner had earlier been declared as proclaimed person, the trial Court would impose appropriate stringent conditions in granting fresh bail to the petitioner including surrender of his passport.

Consequently, the petition is dismissed with liberty to the petitioner to surrender before the trial Court within a week after which his bail application would be decided expeditiously by the trial Court.

July 21, 2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

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