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

CRM-M-3540 of 2017

Date of decision: February 08, 2017

Harban Singh alias Lalu

.....Petitioner

Versus

Satpal and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. K.S. Chahal, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In complaint case No.2 dated 28.02.2012, under Section 138 of the Negotiable Instruments Act, 1881 (for short 'Act'), the petitioner seeks regular bail. The petitioner was arrested on 31.12.2016.

It is not necessary to issue notice to respondent No.1-the complainant in the private complaint case under Section 138 of the Negotiable Instruments Act, 1881 (for short 'Act'). Hence, taken up for final disposal today itself.

The only grievance made in the present petition is that the petitioner did not appear before the trial Court in the said private complaint case and as a result, he was arrested and is in jail since 31.12.2016. The amount of cheque is ₹2.40 lacs.

Learned counsel for the petitioner submits that the

petitioner would appear before the trial Court with promptitude, furnish bail bonds and would cooperate with the trial Court for early disposal of the case and also would not make any default in appearance before the trial Court.

Looking to the nature of the private complaint case against the petitioner and the amount under the cheque, I think the petitioner should be given a chance to appear before the trial Court, furnish bail bonds and appear without making any default. There is no point in continuing the detention of the petitioner in jail as under trial in a case under Section 138 of the Act. Therefore, without finding any default with the order of the trial Court, I make the following order:-

ORDER

- (i) CRM-M-3540 of 2017 is allowed;
- (ii) Petitioner be released on bail, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.
- (iii) Petitioner shall continue to appear before the trial Court without any default and cooperate for early disposal of the trial. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

February 08, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No