

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38469 of 2016

.....

Date of decision:14.9.2017

Rakesh Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. G.S. Simble, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General,
Punjab for the respondent-State.

Mr. Rahul Bhargava, Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in complaint No.1704 dated 9.7.2015 filed for the offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'NI Act') pertaining to the Police Station Civil Lines Amritsar, District Amritsar.

Notice of motion has been issued in this case.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, has put in appearance on behalf of the respondent-State and Mr. Rahul Bhargava, learned Advocate appeared for the complainant-respondent No.2 and contested this petition.

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I have heard learned counsel for the parties and learned State counsel and have gone through the record.

In this petition, the petitioner has prayed for anticipatory bail in the complaint case under Section 138 of the NI Act. The offence under Section 138 of the NI Act is bailable offence. The petitioner in view of the interim order passed by this Court on 26.10.2016 has appeared before the trial Court and since then he is appearing before the trial Court. As it is a complaint case and the petitioner is only to face the trial, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 26.10.2016 passed by this Court granting interim bail to the petitioner is made absolute.

September 14, 2017.

(Inderjit Singh)
Judge

hsp

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