

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39080 of 2017

Date of Decision: 31.10.2017

Sukhpreet Kaur

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in Complaint case No.680 dated 02.05.2014 titled as “*Tarlochan Singh v. Sukhpreet Kaur & ors.*” under Section 138 of the Negotiable Instruments Act, 1881 and Section 420 IPC pending before Judicial Magistrate Ist Class, Patiala.

Complainant-respondent no.2 namely Tarlochan Singh has filed the complaint in question with the allegations that the petitioner and co-accused Ramandeep Singh had taken loan from the complainant for domestic needs and in discharge of their liability,

issued cheque No.006106 dated 15.01.2014 for an amount of Rs.37,50,000/- from their joint account drawn in ICICI Bank Limited Patiala. However, when the said cheque was presented for encashment, the same was returned back with the remarks "Funds Insufficient". Resultantly, the present complainant was filed.

Learned counsel for the petitioner submits that the petitioner appeared before the trial Court and was released on bail on 16.07.2015, but thereafter, she absented and again surrendered before the trial Court on 29.06.2016, on which date, she was again released on bail. Thereafter, on 31.08.2016, the petitioner again absented from the Court without any intimation and accordingly, her bail bonds / surety bonds were cancelled and in this manner, she was arrested on 01.07.2017. Thus, the petitioner is in custody since 01.07.2017. Learned counsel for the petitioner submits that the petitioner undertakes to appear before the trial Court on each and every date unless exemption is granted by the Court and shall not hamper or delay the trial in any manner.

Mr. Surinder Garg, Advocate has put in appearance on behalf of respondent no.2-complainant and submitted that despite issuing the cheque for an amount of Rs.37,50,000/-, the petitioner is playing the game of hide and seek with the complainant and is not allowing the trial to progress and thus, the trial is being delayed and the complainant is being unnecessarily harassed.

I have heard learned counsel for the parties.

Admittedly, the offence under Section 138 of the Act is bailable. No doubt the petitioner being an accused is required to attend the Court unless exemption is granted by the Court or the accused is represented through her counsel. However, considering the fact that the offence is for dishonouring the cheque and the petitioner is in custody since 01.07.2017, the present petition is allowed. The petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of trial Court.

Considering the fact that it is because of delaying tactics of the petitioner, the trial is being unnecessarily delayed, the trial Court shall make an endeavour to conclude the trial within three months from the date of receipt of certified copy of this order.

It is made clear that the petitioner shall appear before the trial Court on each and every date unless exemption is granted by the Court and shall not hamper or delay the progress of trial in any manner.

October 31, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No