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

CRM-M-49422 of 2017

Date of decision: December 22, 2017

Jimmy Goyal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. V.K. Gupta, Advocate the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion to respondent No.1-State only.

Looking to the short controversy involved in the present case, it is not necessary to issue notice to respondent No.2-complainant as it would cost him for attending this Court.

At the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG Punjab accepts notice on behalf of the State.

Rule. Heard forthwith.

Petitioner seeks anticipatory bail in complaint No.182 dated 27.04.2015, under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act') read with Section 142 of the NI Act, in the Court of Chief Judicial Magistrate, Moga.

In a private complaint case under Section 138 of the NI Act of the year 2015, the petitioner is an accused who is sought to be a handicapped person. According to the learned counsel for the petitioner, though, there was no averments in the petition, the

petitioner did not get any summon and that is why he did not appear before the trial Court in the said private complaint case. As such, he was declared proclaimed offender. The learned counsel for the petitioner, however, submits that now the petitioner wants to appear before the trial Court and contest the complaint and also wants to furnish bail bonds to the satisfaction of the trial Court.

In my opinion, looking to the nature of the case against the petitioner, namely, the cheque bouncing case, no useful purpose would be served in putting the petitioner behind the bars till the completion of trial in a complaint case under Section 138 of the NI Act. The statement made by learned counsel for the petitioner, on instructions from the petitioner, submits that the petitioner would hereinafter appear before the trial Court with promptitude and acting on the statement, following order is passed:-

ORDER

- (i) Petitioner shall appear before the trial Court and furnish bail bonds to the satisfaction of the trial Court;
- (ii) As a pre-condition, the petitioner shall deposit ₹20,000/- with the trial Court on his appearance to be adjusted in the ultimate adjudication in the case;
- (iii) Disposed of.

(A.B. CHAUDHARI)
JUDGE

December 22, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No