

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-5363-2017

Date of Decision: 20.02.2017

Col. Ajit Singh (Retd.)

.....Petitioner

vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vivek Sharma, Advocate,
for the petitioner.

Mr. Vivek K Thakur, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that the petitioner was never served, either of the notices issued in the complaint filed under Section 138 of the Negotiable Instruments Act, nor of the proceedings under Section 82 Cr.P.C.

Learned counsel for the complainant, on the other hand, has produced in Court today an order of this Court in CRM-43897-2015, dated 24.12.2015, which is a petition seen to be filed by the present petitioner, titled **Col. Ajit Singh (Retd.) vs. State of Punjab and another** seeking issuance of notice so as to settle the matter between the parties.

Learned counsel for the petitioner submits that the aforesaid petition had been filed in connection with another complaint filed under Section 138 of the Act of 1881 and as such, it would not apply to the proceedings in this *lis*.

Having considered the aforesaid arguments, it is seen that the petitioner also did not appear before the Court at Pathankot, pursuant to the notices issued to him in the other complaint is stated to have absconded in that case also, despite obviously having knowledge of the complaint pending against him, with him having approached this Court earlier by way of CRM-43897-2015, more than one year ago, in December 2115.

Though learned counsel for the petitioner submits that the proceedings in the other complaint have been stayed by this Court, vide an order dated 30.11.2016 (Annexure P-6), I am not inclined to grant the concession of anticipatory bail in the aforesaid circumstances with the petitioner having approached this Court way back in December 2015, to try and negotiate with the complainant to settle the matter out of Court and thereafter, still not having appeared before the learned trial Court, despite knowledge of the case registered against him. It is therefore difficult to accept, in the circumstances, that he did not have knowledge of the complaint in question in the present case also.

(AMOL RATTAN SINGH)
JUDGE

February 20, 2017
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Whether speaking/reasoned	Yes
Whether Reportable	No.