

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 24.04.2018

1)

CRM-M-14409-2018 (O&M)

Kuldeep Kumar Joshi

....Petitioner

Versus

Manish Bhardwaj

...Respondent

2)

CRM-M-14411-2018 (O&M)

Kuldeep Kumar Joshi

....Petitioner

Versus

Varinder Pal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gursimran Singh Madaan, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner (in both the petitions) submits that as the petitioner is running a business in Norway (as contended), he was not actually served of the notice/summon/warrant/proclamation issued by the trial court in the proceedings initiated against him by the respondent (complainant) under Section 138 of the Negotiable Instruments Act, 1881.

That story is difficult to digest, inasmuch as the petitioner had admittedly duly appeared before the trial court initially and had secured bail and thereafter not appeared since October 2017, even as per the learned counsel himself.

He however, has relied upon a judgment of a coordinate Bench of this Court, passed in CRM-M-433 of 2016, **Chand Singh v. Nachhatar Singh and another**, decided on 08.01.2016. That petition was disposed of

in similar circumstances, in limine, by imposing a cost of Rs.20,000/- on the petitioner therein, upon deposit of which he was ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial court, with the trial ordered to proceed thereafter.

Consequently, the objective being to ensure that the complaints in question proceed further to their logical conclusion, the amounts of the cheques in question in these two cases being Rs.4 and Rs.5 lacs respectively, the petitioner is directed to deposit a sum of Rs.25,000/- in each of the complaints pending before the trial court, by way of bank drafts in the name of the complainant (respondent herein). Upon handing over of the bank drafts to the complainant, the petitioner would be admitted to bail to the satisfaction of the trial court, in both the complaints, and proceedings thereafter would continue in both the cases after the bank drafts have been encashed by the complainant.

The petitions are disposed of in the above terms.

(AMOL RATTAN SINGH)
JUDGE

24.04.2018
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: Yes