

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

**CRM-M-20398-2018
Date of decision: 25.09.2018**

Harpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pardeep Bajaj, Advocate
for the petitioner.

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

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in Criminal Complaint No. 1486/2014 dated 01.11.2014 filed under Section 138 of the Negotiable Instruments Act, pending in the Court of JMIC, Batala, District Gurdaspur.

On 15.05.2018, the following order has been passed :-

“Counsel for the petitioner has submitted that the petitioner was appearing before the trial Court, however, due to ill health, he could not appear before the trial Court on one date and his bail/surety bonds were forfeited and later on, he was declared as proclaimed person. It is further submitted that there was a compromise between the parties and in pursuance to the compromise, the petitioner has paid an amount of Rs.1.15 lacs as per the award dated 12.11.2016 passed by the Lok Adalat and he is ready to pay the balance amount of Rs.1 lac within a period of 02 weeks from today. Though, the offences are bailable under Section 138 of the Negotiable Instruments Act, however, considering the fact that in pursuance to the

order passed by the trial Court declaring the petitioner a proclaimed person, he has apprehension that he may not be granted bail and in view of the fact that the petitioner has undertaken to pay the balance amount of Rs.1 lac as per the award passed by the Lok Adalat on the date of appearance before the trial Court, let notice be issued to the respondents, returnable for 04.09.2018. In the meantime, the petitioner is directed to appear before the trial Court along with a demand draft of Rs.1 lac, in pursuance to the settlement arrived at between the parties before the Lok Adalat on 12.11.2016, and the trial Court will release the petitioner on interim bail on his furnishing bail/surety bonds. It will be a pre-condition for the trial Court to accept the bail/surety bonds of the petitioner, only after the petitioner deposit the balance amount of Rs.1 lac in the shape of demand draft favouring the complainant/respondent No.2. ”

Learned counsel for the petitioner submits that in pursuance to the order dated 15.05.2018, the petitioner has handed over a demand draft of ₹1,00,000/- as per the settlement arrived at between the parties before the Lok Adalat on 12.11.2016 and the trial Court has released the petitioner on interim bail, vide order dated 28.05.2018.

The above said fact is not disputed by learned State counsel.

In view of the above, the petition is allowed and the order dated 15.05.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 25, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*