

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-26710 of 2018

.....

Date of decision:25.9.2018

Sanjeev Kumar Rajput

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. H.S. Randhawa, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Deputy Advocate General, Haryana
for the respondent-State.

None for the respondent No.2.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in complaint case No.1596 instituted on 31.08.2016 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act').

Notice of motion has been issued in this case.

Mr. Sukhdeep Parmar, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition. No one has appeared on behalf of respondent No.2.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the allegations, the complainant-petitioner absented from the Court proceedings as he was suffering from fits problems etc. and

he was declared proclaimed offender. A perusal of the record shows that it is a case under Section 138 of the NI Act. The offence is bailable.

Learned counsel for the petitioner relied upon the judgment of this Court in Varsha Aggarwal v. Avtar Singh, 2017 (4) R.C.R. (Criminal) 704, in which a Co-ordinate Bench of this Court has held that in a complaint under Section 138 of NI Act there is no need to take the petitioner in custody for facing the trial. In other words, there is no need to curtail the liberty of the petitioner in a private complaint case under Section 138 of the NI Act, particularly, because the petitioner has given undertaking to appear before the trial Court and furnished the bail bonds. Learned counsel for the petitioner has also placed reliance on the judgment of this Court in Prashant Kapoor v. State of Punjab and another, 2015 (6) R.C.R. (Criminal) 724.

Keeping in view the fact that the petitioner is only to face the trial which may take long time and in view of the law laid down by this Court in the above judgments on which reliance has been placed by the learned counsel for the petitioner, no useful purpose will be served by keeping the petitioner in custody. Therefore, this petition is allowed. The petitioner is directed to appear before the trial Court within ten days from today and the trial Court will release him on bail to its satisfaction.

September 25, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No