

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

**Criminal Misc. No.M-32701 of 2018
Date of Decision: 02.08.2018**

Vipin Kumar alias Rajan

...Petitioner(s)

Versus

Janki Devi

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vishal Sharma, Advocate
for the petitioner(s).

HARI PAL VERMA, J. (Oral)

Prayer made in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in complaint case No.131-II of 2013 dated 15.03.2013 (Annexuer P-1) titled as “Smt. Janki Devi Vs. Vipin Kumar” under Section 138 of the Negotiable Instruments Act, (for short “the Act”).

Vide order dated 05.09.2016 passed by learned Judicial Magistrate Ist Class, Hisar the petitioner was declared as proclaimed offender in a complaint case filed by the respondent under Section 138 of the Act. The petitioner thereafter approached the learned Addl. Sessions Judge, Hisar, by way of an application filed under Section 438 Cr.P.C. seeking anticipatory bail, but his application was dismissed vide order dated 30.07.2018.

At the outset, learned counsel for the petitioner states that though, the offence under Section 138 of the Act is bailable, but because

of the impediment on account of PO proceedings, he is apprehending arrest. However the petitioner is ready to surrender/appear before the trial Court and join the proceedings.

I have heard learned counsel for the petitioner.

Considering the fact that the complaint is under Section 138 of the Act and the petitioner has shown his inclination to join the proceedings, present petition is disposed of with a direction that in case the petitioner appears before the trial Court within 7 days from today, the trial Court shall admit him on bail, subject to his furnishing adequate bail and surety bonds to its satisfaction.

The present petition stands disposed of without issuing notice to the respondent-complainant in order to avoid further delay in the proceedings under Section 138, as the same are summary in nature.

02.08.2018
Anjal

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No