

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

**CRM-M No.47532 of 2018 (O&M)
Date of decision : November 02, 2018**

Amit Monga

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manu Loona, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

This is a petition for grant of regular bail to the petitioner in a complaint case bearing No.COMA-38098, dated 17.10.2012, titled as ***“Syndicate Bank vs Amit Monga”***, under Section 138 of the Negotiable Instruments Act, 1881, pending before the learned Judicial Magistrate 1st Class, Bathinda.

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record. As per custody certificate, the petitioner is in custody since 15.10.2018. The order passed by the learned Addl. Sessions Judge, Bathinda, 22.10.2018 shows that the learned Addl. Sessions Judge, Bathinda also declined the regular bail of the petitioner on the ground that he was proclaimed offender.

I am of the view that the said order is passed by over sighting the ground realities. The offence punishable under Section 138 of the Negotiable Instruments Act, 1881 is otherwise bailable. It is non-bailable

only when the person is declared proclaimed offender. However, he cannot be kept in custody for indefinite period though he can be penalised for being remained proclaimed offender.

It being so, there is no ground for further detention of the petitioner. As such, without issuing notice to the complainant, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the trial Court.

(KULDIP SINGH)
JUDGE

November 02, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No