

CRM-M-48752-2018

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

CRM-M-48752-2018

Date of Decision: 18.12.2018

Ashok Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanjeev Kumar Bawa, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Pankaj Maini, Advocate,
for respondent No.2.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in complaint case No.972 dated 01.06.2017, titled as 'Gurdeep Singh vs. Ashok Kumar', filed under Section 138 of the Negotiable Instruments Act (for brevity, 'N.I.Act').

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

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

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From the record, I find that the petitioner absented himself from the court proceedings in a complaint case filed under Section 138 of the N.I.Act and ultimately, he has been declared proclaimed offender on 31.08.2018. The offence under Section 138 of the N.I.Act is bailable. The petitioner is only to face the trial.

In pursuance of the interim order dated 02.11.2018 passed by this Court, the petitioner has already surrendered before the trial Court and has been released on interim bail.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, I find that trial of the case may take a long time and no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in this petition, the same is allowed. The order dated 02.11.2018, granting interim bail to the petitioner, is made absolute.

18.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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