

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

**CRM No.M-50941 of 2018 (O&M)
Date of Decision: December 21, 2018**

Sameena Khan and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurmeet Singh Saini, Advocate for
Mr.J.S.Grewal, Advocate
for the petitioners.

Mr.Pawan Sharda, Sr.DAG, Punjab
for the respondent-State.

Mr.Kulbhushan Raheja, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 read with Section 482 Cr.P.C. for grant of anticipatory bail in complaint No.4029 of 2016 dated 06.08.2016, registration No.926 of 2016 dated 06.08.2016 under Section 138 of the Negotiable Instruments Act.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

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

Learned counsel for the petitioners contended that petitioners

have already surrendered before the trial Court whereas learned counsel for

respondent No.2 objected this contention and contended that petitioners have already been declared proclaimed offenders.

The perusal of the record shows that petitioners have already surrendered before the trial Court and they have already been released on interim bail in compliance of the order passed by this Court.

The complaint is under Section 138 of the Negotiable Instruments Act. The petitioners are only to face trial in the present case. They are not required for custodial interrogation. No useful purpose will be served by sending the petitioners to custody and then to keep them in custody till the disposal of the case.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioners are entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 22.11.2018 granting interim bail to the petitioners, is made absolute.

December 21, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No