

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

CRM-M-52511-2018

Date of decision: December 04, 2018

Teja Singh

....Petitioner

Versus

Gian Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. J.S. Mundi, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Teja Singh in criminal complaint No.402/14 dated 26.11.2014 under Section 138 of the Negotiable Instruments Act.

It has been submitted that petitioner was earlier appearing regularly in the court below but he found absent from the proceedings of the trial and ultimately, he was declared proclaimed offender vide order dated 22.05.2017. Now he is willing to join the investigation.

Learned State counsel submitted that the petitioner was re-arrested on 09.09.2018.

The offence under Section 138 of the Act is bailable. It will take some time to conclude the trial, therefore, no useful purpose would be served by detaining the petitioner behind the bars.

Keeping in view the facts and circumstances of the case but without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, the present petition is

allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the court.

(RAJ SHEKHAR ATTRI)
JUDGE

December 04, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No