

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

CRM-M-8406 of 2018.

Decided on:-August 31, 2018.

Jatinder Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Harish Sharma, Advocate
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab
for respondent No.1-State.

Mr. Prabhinder Singh Punia, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act) titled as “*Shri Kant Sharma Versus Jatinder Singh and another*”.

The respondent No.2-complainant had filed the aforesaid complaint against the petitioner. In the said complaint, the petitioner has suffered a statement that he has compromised the matter with the complainant. The order dated 05.05.2016 passed by learned Judicial

Magistrate 1st Class, Ludhiana, whereby on the statements of the parties, the complaint was dismissed as withdrawn, reads as under:

“Accused has suffered a statement that he has compromised the matter with the complainant in the total amount of Rs.2,70,000/- of this case out of which Rs.35,000/- has already been paid by him to the complainant and the remaining amount will be paid by him to the complainant through cheques of Rs.15,000/- each per month. He has given the cheque No.910551 to 910564 amount of Rs.15,000/- each and the cheque No.910565 in amount of Rs.25,000/-. All the above said cheques will be presented in the bank and each of 15th of the every month for encashment. Nothing is due towards him except the above said amount. If the said cheque is dishonoured from the above said cheques 910551 to 910565 then complainant has right to revive the said complaint.

Similarly, the complainant also suffered a statement that he has heard the statement of the accused which is admitted and correct as per compromise. He received the cheques No.910551 to 910565 except the said cheques which cheques already lying with him. He bound to return the same to the accused. He does not want to pursue the present complaint on the basis of compromise. He withdraw the said complaint with the permission to revive the same if any cheque become dishonoured from the said cheques No.910551 to 910565.

In view of the statement suffered by both the parties, present complaint is dismissed as withdrawn. Accused is discharged in the present complaint. Bail/surety bond stand discharged. File be consigned to the record room.”

Thereafter, the cheques No.910551, 910552 and 910553 dated 15.05.2016, 15.06.2016 and 15.07.2016 respectively for an amount of

Rs.15,000/- each were presented by the complainant in the bank, but the same were dishonoured entitling the complainant to revive the complaint in terms of the aforementioned order dated 15.05.2016 passed by learned Magistrate.

At this stage, learned counsel for the petitioner states that the petitioner is ready to surrender before the trial Court and prays that the trial Court may be directed to admit him on bail.

On the other hand, leaned counsel for the respondent No.2-complainant has argued that the petitioner is delaying the proceedings on one pretext or the other and is harassing the complainant.

Having heard learned counsel for the parties and without making any observations on the merits of the case, and noticing the fact that the complaint has been filed under Section 138 of the Act, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within a week from today and undertakes to join the proceedings, the trial Court shall admit him on bail subject to his furnishing adequate bail bonds and surety bonds to its satisfaction. The trial Court may also impose any other condition upon the petitioner, which it may deems fit in the facts and circumstances of the case.

August 31, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No