

CRM-M-25569-2019

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

CRM-M-25569-2019

Date of Decision: 26.08.2019

Ashwani Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. R.K.Arya, Advocate for
Ms. Sukhveer Kaur, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Nitin Thatai, Advocate,
for respondent No.2.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 read with Section 482 of the Cr.P.C. for grant of anticipatory bail in a complaint case No.NAI : 583/2015, under Section 138 of the Negotiable Instruments Act, 1881 (case No.RBT 331/25.09.2015), titled as 'Mahindra & Mahindra Financial Services Ltd. Vs. Ashwani Kumar', pending in the Court of learned ACJM/CJM, Pathankot.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of respondent No.1-State and respondent No.2 has also appeared through its counsel. They contested this petition.

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

As per the learned counsel for respondent No.2-complainant, the petitioner has been served through his wife before the trial Court, but he did not appear there.

Perusal of record shows that offence under Section 138 of the Negotiable Instruments Act is bailable one and the petitioner has not been served personally in the present case. The trial of case may take a long time. No useful purpose will be served by sending the petitioner to custody and then to keep him in custody till the final disposal of the case.

Therefore, finding merit in the present petition, the same is allowed. The petitioner is directed to surrender before the trial Court within ten days from today. On his doing so, he shall be released on bail by the trial Court to its satisfaction. If he fails to surrender before the trial Court within the stipulated period, then this petition shall be treated as dismissed.

26.08.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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