

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

**CRM-M No. 29652 of 2019
Date of decision: 22.07.2019.**

Lakhwinder Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Prabhjot Kaur, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in Complaint No. 2504 dated 16.07.2016 under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act' - for short), pending in the Court of Judicial Magistrate 1st Class, Patiala.

Learned counsel for the petitioner contends that the petitioner had been declared 'proclaimed offender' on his failure to appear before the Court. The petitioner was facing trial under Section 138 of the NI Act and had been granted bail. She also contends that the petitioner had been appearing before the Court regularly, but he could not appear on 02.01.2019 and the order declaring him as 'proclaimed offender' was passed. She further contends that the petitioner has settled the matter with respondent No. 2 (complainant) and has referred to the copy of the compromise, which is at Annexure P4. Learned counsel for the petitioner further contends that in another identical case wherein the petitioner was an accused in a case under Section 138 of the NI Act and had been declared as 'proclaimed offender', a

Co-ordinate Bench of this Court in CRM-M No. 29527 of 2019, had treated the petition as one under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' - for short) and protected him from arrest on the undertaking of the learned counsel for the petitioner that he shall appear before the trial Court within a period of ten days.

Heard. On the oral request of learned counsel for the petitioner, this petition is treated as one under Section 482 of the Cr.P.C.

Issue notice to the respondents.

At the asking of the Court, Ms. Sudeepti Sharma, DAG, Punjab, accepts notice on behalf of respondent No. 1.

The petitioner is stated to have compromised the matter with respondent No.2 (complainant). The liability under Section 138 of the NI Act is primarily civil in nature. Therefore, the petitioner is directed to appear before the trial Court, as undertaken by learned counsel for the petitioner, within a period of ten days and apply for bail. If such an application is moved by the petitioner, the trial Court shall consider and decide the same in accordance with law keeping in view the fact that the matter has been compromised between the parties.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

22.07.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No