

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-37312 of 2019

Date of Decision: 05.09.2019

Randhir Kaur

... Petitioner(s)

Versus

Jaswinder Kaur and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. K.R.Dhawan, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner, namely Randhir Kaur in criminal complaint bearing No. 852 dated 07.12.2017, under Sections 138 & 142 of the Negotiable Instruments Act, 1881 (hereinafter referred to as “the Act”).

Learned counsel for the petitioner contended that petitioner was arrayed as accused in a complaint under Sections 138 & 142 of the Act and she was never served in the case since 2017; thereafter, she was declared as proclaimed offender and the entire proceedings are not in accordance with law. However, learned counsel further contended that petitioner is ready to take all these pleas before the learned trial Judge as well.

Notice of motion.

On asking of the Court, Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent No.2. A

copy of paper-book be provided to him during the course of the day.

In view of above, present petition stands disposed of with the directions that in case petitioner surrenders before the learned trial Court within a period of one week from today and moves an application for admitting her to bail, the learned trial Judge shall decide the same on merits within a period of three days thereafter. Petitioner shall be at liberty to take all the pleas which have been taken in the present petition regarding her being not served with any notice during the intervening period before the learned trial Court also and the learned trial Judge shall proceed with the case, as per record.

(Shekher Dhawan)
Judge

September 05, 2019
“DK”

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