

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

Sr. No.220

CRM-M-51662-2019

DECIDED ON: December 10, 2019

RAVINDER SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Kumar, Advocate, for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks regular bail as he has been remanded to judicial custody on account of being declared proclaimed offender vide order dated 25.03.2019 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Jalandhar in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') titled as ***M/s Punjab Kashmir Finance Ltd. vs. Ravinder Singh.***

2. Learned counsel for the petitioner submits that the cheque amount already stands paid and thus, his confinement to judicial custody is not necessary.

3. Custody certificate dated 09.12.2019 prepared by Sh. Baljit Singh, PPS, Deputy Superintendent, Central Jail, Kapurthala has been filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 01 month and 29 days and there is no other criminal case pending/decided against him.

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4. From the submissions of learned counsel for the petitioner as well as the order dated 04.11.2019 (Annexure P-4) passed by the learned Additional Sessions Judge, Jalandhar, it is apparent that the petitioner has repaid a sum of Rs.4,60,000/- to the complainant. Moreover, offence under Section 138 of the Act is bailable and thus, it is not just and proper to confine the petitioner in judicial custody.

5. Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. Thereafter, the petitioner is directed to appear before the trial Court on 19.12.2019 and undergo the trial.

December 10, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No