

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 53599 of 2019
Date of Decision: 19.12.2019**

Partap Singh

.....Petitioner

Versus

Sukhraj Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner is seeking regular bail in CRA No. 1917 of 2017 (Annexure P-1) filed against the judgment of conviction and order of sentence dated 3.5.2017 passed by learned Judicial Magistrate Ist Class, Bathinda under Section 138 of the Negotiable Instruments Act, 1881 (for short 'Act') in criminal complaint under Sections 138 of the Act and Section 420 IPC.

Learned counsel for the petitioner submits that in the complaint under Section 138 of the Act, the petitioner was convicted and sentenced for a period of one year. Aggrieved against the said judgment and order, the petitioner has preferred an appeal. During the pendency of the said appeal, compromise was executed before the Lok Adalat but the petitioner could not arrange the money. He further submits that the petitioner absented from the trial Court and his bail was cancelled on 19.12.2017 and non-bailable

warrants were issued against the petitioner and he was arrested on 2.7.2019 and since then he is in custody.

Learned State counsel has filed the custody certificate dated 19.12.2019 by way of affidavit of Gurmukh Singh, PPS, Deputy Superintendent, Central Jail, Bathinda which is taken on record. As per the custody certificate, the petitioner has already undergone 03 months of actual sentence.

The petitioner is in custody since 17.9.2019. Since the appeal filed by the petitioner is pending before the Sessions Court, no useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned Appellate Court.

(HARNARESH SINGH GILL)
JUDGE

December 19, 2019
Gurpreet

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