

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

CRM-M-3185-2020 (O&M)

Date of decision: - 29.01.2020

Shammi

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikas Mehsempuri, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

CRM-3376-2020

This application is for placing on record the orders dated 21.01.2020, 17.12.2019 and 26.11.2019 passed by learned Judicial Magistrate 1st Class, Patiala as Annexures P-4 to P-6.

For the reasons mentioned in the application, the same is allowed and the orders dated 21.01.2020, 17.12.2019 and 26.11.2019 passed by learned Judicial Magistrate 1st Class, Patiala as Annexures P-4 to P-6 are taken on record, subject to just all exceptions.

CRM-M-3185-2020

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in complaint case No. COMA/5352/2017 dated 18.11.2017 titled as 'Parminer Singh Vs. Shammi', under Section 138 of the Negotiable Instruments Act, 1881, pending before the Court of learned Judicial Magistrate 1st Class, Patiala.

Learned counsel for the petitioner states that since the date of summoning, the petitioner has been regularly attending the Court and during the pendency of the present complaint, a settlement was finalized between the parties and as per the agreement two installments i.e. ₹ 7,000/- and ₹ 6,500/-

have been paid on 10.06.2019 and 11.07.2019 respectively to the respondent No. 2. Thereafter, due to ill health of his wife, the petitioner could not appear before the learned trial Court, on 10.10.2019, 24.10.2019, 02.11.2019, 07.11.2019 and 26.11.2019. He further states that non-appearance of the petitioner before the learned trial Court was not intentional and non-bailable warrants have been issued against him vide order dated 26.11.2019 (Annexure P-6). The another draft amounting to ₹ 8,000/- (Annexure P-2) is ready with the petitioner and as per the agreement is to be paid to complainant-respondent No. 2.

Notice in the present case is not being issued to avoid delay in proceedings before the trial Court.

Heard.

As the petitioner has been appearing before the learned trial Court since November-2017, moreover, there is an agreement between the parties and the petitioner is tendering the installments in compliance of the terms and conditions of the agreement, therefore, the pre-arrest bail to the petitioner is allowed.

In view of the above, the petitioner is directed to appear before the trial Court and the trial Court shall admit him on bail on furnishing bail and surety bonds to its satisfaction, subject to payment of costs of Rs. 5000/- to be paid to complainant-respondent.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

29.01.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No