

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

CRM-M-4029-2020

Date of decision: - 30.01.2020

SANJEEV KUMAR DUA

...Petitioner

Versus

HDB FINANCIAL SERVICES LTD. AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gursimran Singh, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks grant of concession of pre-arrest bail in complaint under Section 138 of Negotiable Instruments Act, 1881, bearing No. COMA-10173-2016 titled as 'Sanjeev Kumar Dua Vs. HDB Financial Services Limited' pending before the learned trial Court, Ludhiana.

Learned counsel for the petitioner states that the complaint in question was filed in the year 2016 and the petitioner-accused has been appearing in the Court regularly, it was only 13.08.2018 when the petitioner could not appear due to his ill health.

In the present case, the petitioner is appearing since 2016 but only one solitary date i.e. 13.08.2018 he could not appear before the learned trial Court.

Striking a balance between the rights of the complainant and the right of liberty of the petitioner, I deem it appropriate to dispose of this

petition in limine in order to curtail further harassment to the complainant and to prevent him from further litigation expenditure.

The petition is disposed of with a direction that the petitioner will put in appearance before the trial Court alongwith a bank draft of Rs. 20,000/- in the name of the complainant and in case the petitioner's doing so, he will be released on bail to the satisfaction of the said Court. The said amount of Rs. 20,000/- will be deemed to cost for adjournment under Explanation 2 of Section 309 Cr.P.C.

It is made clear that in case of non-compliance of this direction, this petition will be deemed to have been dismissed.

Since the order has been passed in limine, it will be open to the complainant to approach this Court in case he is not satisfied with this order.

(HARNARESH SINGH GILL)
JUDGE

30.01.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No