

JAGMOHAN SINGH

...Petitioner

Verses

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJPresent: Mr. Jashan Jot Singh, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a complaint case bearing No.NACT 372 dated 3.8.2017, under Section 138 of Negotiable Instruments Act, pending before Learned Judicial Magistrate Ist Class, Malerkotla titled “Shashi Vector Vs. Jagmohan Singh”, wherein he was declared 'proclaimed offender' without effective service of summons upon him.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.5.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that the respondent brought a complaint against the petitioner under Section 138 Negotiable Instruments Act, 1881, wherein the petitioner was never served, who was later on declared a proclaimed offender vide order dated 07.07.2018 (Annexure P2). He submits that the petitioner has recently acquired the knowledge of the pendency of the complaint,

who is willing to join the proceedings, which are now fixed for 09.07.2021.

A perusal of the complaint (Annexure P-1) reveals that the address of the accused is incomplete and prima facie it seems that the petitioner was not served.

Notice of motion for 08.11.2021.

Let the petitioner submit himself before the trial Court on or before 08.06.2021 and upon his appearance, he shall be admitted on interim regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Court.”

Learned counsel for the petitioner states that pursuant to the order dated 28.05.2021, the petitioner submitted himself before the trial Court and was admitted on interim regular bail vide order dated 07.06.2021. He has produced a copy of order dated 07.06.2021.

The above position is not disputed by the learned State counsel.

Considering the above, the petition is allowed and it is ordered that the petitioner shall remain on regular bail on the same bail bonds/surety bonds furnished by him before the trial Court on 07.06.2021.

08.11.2021
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(MANOJ BAJAJ)
JUDGE

Whether speaking /reasoned

Yes/No

Whether Reportable

Yes/No