

CRM-M-50827-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50827-2021

Date of decision :06.12.2021

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. H.S. Sitta, Assistant AG, Punjab.

ANOOP CHITKARA, J.

The petitioner, apprehending arrest in complaint No.664/2019 dated 13.05.2019 registered under Section 138 of Negotiable Instruments Act (Annexure P-1), has come up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

2. The limited prayer for which the petitioner has come up before this Court is seeking pre-arrest bail in a case involving dishonour of a cheque.

3. A perusal of the complaint (Annexure P-1) reveals that the cheque for Rs.5,00,000/- issued in 2018, was not honoured, which led to launching of the complaint by the drawee. On 18.03.2021, the accused was declared as proclaimed offender. Subsequently, vide order dated 15.07.2021, the Judicial Magistrate recorded the preliminary evidence under Section 299 Cr.P.C. and consigned it to the record. After that the petitioner filed an application under Section 438 Cr.P.C. for grant of bail. However vide order dated 23.04.2021, the Sessions Court dismissed the same. Now the petitioner has come up before this Court seeking anticipatory bail under Section 438 Cr.P.C.

4. In para 6 of the bail petition, the petitioner claims false implication. Although the Court does not find merit in the explanation offered by the petitioner but since it has been mentioned in para 8 that the petitioner is an illiterate person and also considering the fact that the category of the offence is an economic offence, this Court wants to give an opportunity to the accused so that

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the he can course correct. However, this is subject to his appearance at the trial Court to ensure continuation of proceedings without delay.

5. Thus, in the entirety of facts and circumstances of this case coupled with the situation due to COVID 19 pandemic, the petition is allowed, subject to the condition that the petitioner shall appear before the trial Court on 13.12.2021. However, in case of reasons beyond his control, the petitioner fails to appear before the trial Court, then he shall positively appear on 20.12.2021. Failure to appear before the concerned Court on the above said dates, this order shall automatically be recalled without any reference to this Court.

6. Given above, the petitioner shall be released on bail in the complaint mentioned above, subject to furnishing a personal bond of Rs. Ten thousand (INR 10,000/-), and with one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the Trial Court. Before accepting the surety, the Attesting Officer must satisfy that in case the accused fails to appear in Court, then such sureties are capable to produce the accused before the Court, keeping in mind the Jurisprudence behind the sureties, which is to secure the presence of the accused.

7. The petitioner shall join the proceedings as and when called.

8. Any Advocate for the petitioners and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order, in vernacular and if not feasible, in Hindi.

9. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

In the aforesaid terms, the petition is allowed.

(ANOOP CHITKARA)
JUDGE

06.12. 2021
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Whether speaking/reasoned
Whether reportable

~~Yes/No~~
~~Yes/No~~