

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

203

CRM M-20566 of 2022

Date of Decision: August 18, 2022

Mukesh Kumar Dhawan

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vinod K. Kaushal, Advocate
for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

The petitioner has filed the instant petition with a prayer
to grant anticipatory bail.

On the last date of hearing, the following order was
passed:-

“..... Counsel for the petitioner has submitted that during the pendency of the complaint under Section 138 of the Negotiable Instruments Act (in short ‘the NI Act’), the petitioner was declared as proclaimed person as he was never served and thereafter, on the direction of the Court, the present FIR has been registered.

Counsel for the petitioner has further submitted that he has the instructions to say that the petitioner is ready to settle the dispute in the proceedings under Section 138 of the NI Act and to show his bona fide, he will hand over a demand draft of Rs.40,000/- to the complainant in the said proceedings.

Notice of motion.

Ms. Ishneet Kaur, AAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

List again on 18.08.2022.

In the meantime, the arrest of the petitioner shall remain stayed.

In case, the petitioner appears before the trial Court where the complaint under Section 138 of the NI Act, is pending and applies for bail along with a demand draft of Rs.40,000/- favouring the complainant, on or before 30.05.2022, he will be granted the concession of interim bail in the said complaint, as well”.

Today, during the course of arguments, the learned counsel for the petitioner has placed on record a photocopy of the order dated 01.07.2022 passed by the Court of Ms. Ramanpreet Kaur, learned Judicial Magistrate 1st Class, which is taken on record as Mark-A. A perusal of the said order clearly shows that the accused has furnished a demand draft No. 965524 dated 27.05.2022 amounting to Rs. 40,000/- in favour of the complainant before the Judicial Magistrate, in view of the interim order passed by this Court on 13.05.2022.

In view of above, the instant petition is allowed and the interim order dated 13.05.2022 is made absolute.

The petitioner shall continue to join investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 Cr.P.C.

August 18, 2022	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No