

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-7749-2023 (O&M)

Date of decision : 14.2.2023

Karamjit Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Anju Arora, Advocate,
Ms. Jashanpreet, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal complaint case having No.NACT/35/2021 under Section 138 of Negotiable Instruments Act wherein the petitioner has been declared proclaimed person vide order 14.10.2022 (Annexure P-4).

Counsel for the petitioner submits that the offence punishable under Section 138 of Negotiable Instruments Act is a bailable offence but despite this, the Court of Additional Sessions Judge, Ludhiana vide order dated 3.1.2023 (Annexure P-5) dismissed the application moved by the petitioner for grant of anticipatory bail. He further submits that absence of the petitioner was not intentional as he met with an accident and was bed ridden due to fracture of shaft humerus bone. He further submits that now the petitioner is medically fit and is ready to join the proceedings in the learned trial Court.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and submits that the case is relating to some private complaint filed under Section 138 of Negotiable Instruments Act and the State has nothing to do with the same.

As per Annexure P-1, the aforesaid complaint has been lodged by one Jaspreet Singh against the petitioner with regard to dishonour of cheque worth ₹ 2,52,000/- and the petitioner has been declared as proclaimed person in the said criminal complaint vide order Annexure P-4. Undoubtedly, offence punishable under Section 138 of Negotiable Instruments Act is a bailable offence.

In view of above, without commenting on the merits of the case, the present petition is hereby disposed of with direction to the petitioner to appear before the learned trial Court within next 20 days and on his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction subject to deposit of ₹ 20,000/- by the petitioner with the said Court which will be subject to the final decision of the case.

(KARAMJIT SINGH)
JUDGE

February 14, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No