

(206)

2023:PHHC:081373

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

CRM-M-27742 of 2023

Date of Decision: June 02, 2023

Pawan Kumar alias Pamma

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Ishita Jain, Advocate for Mr. Namit Khurana,
Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in Criminal Complaint No.760 of 2018 dated 17.04.2018 titled “Diwan Chand Vs. Pawan Kumar alias Pamma” pending in the Court of learned Judicial Magistrate Ist Class, Jagadhri.

Perusal of the paper book reveals that petitioner was summoned to face prosecution under Section 138 of the NI Act. He was allowed bail. On his absence, his presence was sought to be procured by way of summons/ warrants etc., and as he did not appear, he was declared proclaimed person on 30.04.2019. FIR under Section 174-A IPC was registered against him in this regard. Later on, he put in appearance and was enlarged on bail. In the complaint case, again he absented and his bail was cancelled and as his presence could not be procured, despite proclamation, he was declared proclaimed person on 07.11.2022. Therefore, FIR No.147 dated 22.03.2023 under Section 174-A IPC was registered against him. Petitioner was then arrested on 23.03.2023. He applied for fresh bail. Though he was allowed bail in case under Section

174-A IPC but bail to him was declined in the complaint case under Section 138 of the NI Act after noticing his previous conduct.

It is contended by learned counsel that petitioner could not appear before the trial Court as the next date of hearing was not properly communicated to him by his counsel. Petitioner undertakes not to repeat such an offence in future. Learned counsel further submits that offence in question is bailable and reasonable cost may be imposed.

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent- State.

Although having regard to the conduct of the petitioner, inasmuch he absented twice and was to be declared proclaimed person, he does not deserve to be allowed bail but considering the nature of the proceedings under Section 138 of NI Act pending before the trial Court, this petition is hereby accepted subject to costs of ₹20,000/- which are to be paid by the petitioner to the respondent- complainant Diwan Chand by way of a demand draft. After the said cost of ₹20,000/- by way of demand draft is paid to the respondent- complainant in the Court itself, the concerned Magistrate shall admit the petitioner on bail on his furnishing bail bonds and surety bonds, on his satisfaction.

June 02, 2023

renu

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No