

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.108

CRM-M-54758-2023
Date of decision:02.11.2023

Om Parkash

...Petitioner

Versus

Gurjit Singh and another

...Respondent(s)

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

Present: Mr. Bhavyadeep Walia, Advocate for the petitioner.

N.S. SHEKHAWAT, J.

1. Petitioner prays for grant of pre-arrest bail in criminal complaint case, i.e. COMA No.981 dated 14.03.2016 titled as 'Gurjit Singh Vs Om Parkash' under Section 138 of the Negotiable Instruments Act 1881, pending in the Court of JMIC, Patiala.

2. Leaned counsel for the petitioner contends that the petitioner has been wrongly declared as a proclaimed person in the present case. In fact, no date, month or year of advancement of loan was pleaded by the complainant in his criminal complaint (Annexure P-1) and only a sum of Rs.1.20 lac was borrowed by the petitioner from the complainant. He further contends that the petitioner had already repaid a sum of Rs.1,26,000/- in between August 2014 to January 2016. Still the cheque was wrongly presented and on a false assurance made by the complainant, the petitioner had stopped appearing before the trial Court.

3. I have heard the learned counsel for the petitioner and also perused the case file minutely.

4. It is evident from the impugned order passed by the Sessions Judge, Patiala that earlier also, the petitioner had been declared as a proclaimed person, however, later he surrendered and was admitted to bail by the trial Court. Thereafter, he effected a compromise with the complainant and agreed to pay a sum of Rs. 3 lac to the respondent/complainant. However, instead of making the payment during the trial proceedings, he absented and was again declared as a proclaimed person. In view of the conduct of the petitioner, he is not entitled for extraordinary relief of anticipatory bail. Otherwise also, in view of the law laid down by the Hon'ble Supreme Court in '**State of Haryana V Dharamraj, 2023 SCC Online SC 1085**', the present petition deserves dismissal.

6. Keeping in view the facts and circumstances of the case noted above and the law laid down by the Hon'ble Supreme Court in **Dharamraj's** case (supra), the present petition is dismissed, being devoid of any merits.

(N.S. SHEKHAWAT)
JUDGE

02.11.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO