



CRM-M-38753-2024
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38753-2024
Decided on: 14.08.2024

Balveer Singh @ Balvir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

Criminal complaint No.	Dated	Police Station	Sections
NACT-277	05.11.2019	---	138 of Negotiable Instruments Act

1. The petitioner incarcerated in the criminal complaint captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 26 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from the order dated 05.07.2024, which reads as under:-

“It has been mentioned in the application that this is the first bail application under Section 439 CrPC of the application. No other bail application is pending before any court of law. Complainant filed complaint under Section 138 of Negotiable instrument Act against the accused bearing CIS No.NACT/277/2019 titled as Gurdev Singh Versus Balvir Singh. Due to non appearance of the applicant the learned Trial Court vide order dated 19.10.2023 cancelled the bail/surety bonds and issued non bailable warrants of the applicant/accused and thereafter vide order dated 16.03.2024 the applicant was declared Proclaimed person. The reason behind non appearance of applicant that he is labourer and he went to Rajasthan qua his labour work and he could not inform/contact his counsel. Applicant filed anticipatory bail application before Sessions Court, Sri Muksar Sahib and the same was dismissed vide order dated 02.03.2024 passed by the Court of Ms. Girish, Additional Sessions Judge,



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Sri Muktsar Sahib. Thereafter, applicant filed petition under Section 482 Cr.P.C bearing CRM-M-NO. 21152 of 2024 before Hon'ble Punjab and Haryana High Court, Chandigarh for quashing of order dated 19.10.2023 and 16.03.2024 with further prayer for permitting the applicant to appear before learned Trial Court on furnishing bail bonds with a direction to Ld.Trial Court to release the applicant on bail. In the meanwhile, the applicant was arrested by the police on 13.05.2024. Thereafter applicant filed his regular bail application under Section 437 Cr.P.C before learned Trial Court and the same was dismissed vide order dated 20.05.2024 passed by Sh. Himanshu Arora, PCS, SDJM, Gidderbaha. Complainant has filed false complaint against the applicant. He is only bread winner of his family, so he shall be released on bail."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State opposes bail and submits that petitioner had absconded and he was arrested after much efforts.
6. As per paragraph 22 of the bail petition, the petitioner has been in custody since 13.05.2024 in a case under Section 138 NIA. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.
7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	



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4.	E-Mail id (If available)	
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10. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed 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. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.