



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-62371-2024
Decided on : 05.02.2025

Amandeep Singh

... Petitioner(s)

Versus

Davinder Kaur and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Prashant Bansal, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab
for respondent No.2 - State.

SANJAY VASHISTH, J. (Oral)

1. The prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for the grant of anticipatory bail to the petitioner in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act'), titled as "Davinder Kaur v. Amandeep Singh", bearing No. COMA/2008/2020, dated 21.08.2020, and decided as consigned on 30.08.2024 by the Court of the learned JMIC, Patiala, wherein the petitioner was declared a *Proclaimed Person* vide order dated 30.08.2024.

2. On 12.12.2024, following order was passed:-

"The petitioner assails order dated 30.08.2024 vide which he has been declared a 'proclaimed person'.

Learned counsel for the petitioner submits that the matter arises out of a complaint filed against the petitioner for an offence under Section 138 of the Negotiable Instruments Act, wherein he surrendered before the trial Court on 13.09.2021 and was granted bail. Subsequently, the matter was also compromised and as per the compromise, the petitioner was supposed to pay 30 monthly installments of Rs.20,000/- each and as a matter of fact he had been



paying the said monthly installments till August, 2023, but on account of some unavoidable financial crunch, he could not pay the remaining installments. It has been submitted that since he could not appear thereafter and was absent, his bail was cancelled and ultimately, declared as a 'proclaimed person'.

Learned counsel further submitted that as on date it is an amount of Rs.2,80,000/- towards 14 monthly installments, which would be due and that the petitioner is ready and willing to resolve the matter and that in order to prove his bonafides, the petitioner shall deposit an amount of Rs.1,40,000/- before the trial Court by 16.12.2024.

Notice of motion for 18.12.2024.

To be shown in urgent list.

The petitioner, as per his offer made in the Court today, shall deposit an amount of Rs.1,40,000/- before the trial Court/Illaq Magistrate on or before 16.12.2024. Upon deposit of said amount, the same shall be got invested in FDR in some Nationalized Bank.

In the meantime, the operation of the impugned order dated 30.08.2024 shall be kept in abeyance only till the next date of hearing."

3. Thereafter, again on 18.12.2024, following order was passed:-

" Learned counsel has today passed on a copy of order dated 16.12.2024 passed by learned Judicial Magistrate 1st Class, Patiala wherein it has been noticed that an amount of Rs.1.40 lakh has been deposited by the petitioner in compliance of order dated 12.12.2024 passed by this Court. Learned counsel however, requests for a short adjournment to seek instructions with regard to filing of a separate petition so as to challenge order dated 30.08.2024 vide which the petitioner has been declared a 'proclaimed person'.

In view of the aforesaid request, the matter is adjourned to 05.02.2025.

Interim directions, if any, to continue.

In the meantime, it shall be open to the petitioner to surrender before the trial Court and to move an application for grant of regular bail within 7 days from today. In case any such application is filed, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned."

4. Learned counsel for the petitioner submits that in pursuance to the order dated 12.12.2024, an amount of Rs.1,40,000/- was deposited on 16.12.2024 before the learned Trial Court. Learned Trial Court issued notice to the complainant as well as his counsel for 24.12.2024 to provide Bank account number of the complainant to get prepare the FDR of the above said amount.

Further submits that in pursuance to the order dated 18.12.2024,



passed by the Coordinate Bench of this Court, on appearance of the petitioner before the learned Trial Court, he has been released on bail by the learned Trial Court vide its order dated 24.12.2024 (appended with CRM-M-3496-2025). Thus, he prays for confirmation of the interim bail order dated 18.12.2024, by submitting that he undertakes to put in appearance before the learned Trial Court on each and every date, and thus, would never remain absent, except of seeking prior permission of the Court.

5. The paramount consideration for the Court is to secure presence of the accused as well as all the concerned parties before it, without wastage of much time and that purpose would be served by accepting the prayer, which has been addressed by learned counsel for the petitioner before this Court.

6. On the other hand, learned State counsel is also not averse to the *prima facie* view expressed by this Court.

7. Resultantly, interim order dated 18.12.2024, passed by the Coordinate Bench of this Court is hereby made absolute.

8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 05, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No