

**IN THE COURT OF PARMINDER SINGH RAI,
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA/2986/2022
CNR No. PBGD01-006772-2022
Date of Order: 28/09/2022

Pardeep Kumar s/o Shri Joginder Pal, resident of Near D.A.V Senior Secondary School, Hathi Gate, Amritsar, Tehsil and District Amritsar.

.....Petitioner

Versus

Bachan Singh s/o Ram Singh, r/o Village Marri, Tehsil and District Pathankot.

.....Respondent.

Complaint u/s 138 NI Act.

Bail application under section 438 Cr.PC

Present: Sh. Ramesh Kumar Kashyap, Advocate, counsel for petitioner
Sh. Kavi Raj Saini, Adv, counsel for respondent.

ORDER

1. Present petition has been filed by petitioner seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offence as mentioned above.

2. Upon notice, learned Additional P. P. put in appearance on behalf of respondent-State and Sh. Kavi Raj Saini, Advocate, appeared on behalf of complainant and contested the bail application. Police record was also requisitioned.

3. It is submitted by learned counsel for petitioner that petitioner could not appear before the court on 30.07.2022 as his wife was suffering from paralyze and heart attack and she was under

treatment and due to this reason, he could not appear the Court. He is ready to face trial, so he may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Additional Public Prosecutor that petitioner intentionally absented from the Court in order to delay the proceedings, so the present bail application is liable to be dismissed.

5. I have heard the arguments of learned counsel for petitioner as well as of learned Additional Public Prosecutor for State and have perused the record.

6. Perusal of record shows that complainant/respondent Bachan Singh has filed a complaint under Section 138 of Negotiable Instruments Act against the petitioner. In the above complaint, present petitioner was summoned as accused. When the presence of petitioner could not be procured through summons,ailable warrants and nonailable warrants, he was summoned through proclamation and ultimately, he was declared proclaimed offender vide order dated 25.04.2018. Thereafter, he was released on bail as per the orders passed by the Hon'ble High Court on 09.07.2018. During the proceedings of the trial, accused was again absented from court and he was summoned through nonailable warrants and when his presence could not be procured ultimately, his bail order was cancelled and bail bonds forfeited to state vide order dated 21/09/2022. The reason for remained absent from the court seems

plausible. Moreover, the offence under Section 138 of Negotiable Instruments Act is a bailable offence. So, in view of thereof, present application stands allowed with the observations that applicant/accused would surrender before the Court of Learned Ilqa Magistrate within 15 days from today and on doing so, he shall be admitted to interim bail on his furnishing bail bonds to his/her satisfaction of learned Trial Court. For report and consideration to come upon 15.10.2022.

Pronounced in open court.
Dt: 28/09/2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/UID No.PB00175

Present: Sh. Ramesh Kumar Kashyap, Advocate, counsel for
petitioner
Sh. Kavi Raj Saini, Adv, counsel for respondent.

Police record produced. Sh. Kavi Raj Saini, Advocate,
appeared and filed power of attorney on behalf of
complainant/respondent. Arguments heard. Vide my separate detailed
order of even date, petitioner has been granted interim bail as per the
conditions referred therein. For report and consideration to come
upon 15.10.2022.

Pronounced in open court.
Dt: 28/09/2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur/UID No.PB00175

