

**In the Court of Sachin Sharma, Addl. Sessions Judge, Kapurthala**

**CNR No.PBKP01-000778-2019**

BA No.271 of 08.02.2019

Date of Order: 13.02.2019

Next date of hearing: 20.02.2019

Vikas Deep @ Sukhmani, s/o Jagdish Lal, r/o Village Lodhim Chak, Tehsil Dasuya, PS Tanda, Distt. Hoshiarpur.

**.... Applicant/accused.**

Versus.

Tarsem Singh, s/o Mela Singh, r/o Village Lamme, P.O. Jaid, Tehsil Bholath, District Kapurthala.

**.... Complainant.**

(Under Section 138 of Negotiable Instruments Act)

**(Application for bail under Section 438 of Cr.P.C)**

**\*\*\*\*\***

Present: Sh.G.S.Rattan, Adv., counsel for the applicant/accused.

## **O R D E R**

The present bail application has been moved by above named applicant/accused under *Section 438 of Cr.P.C.*, pertaining to complaint case bearing no. NACT/339 of 2017, against him.

2. In the application, it has been averred that on 02.02.2019, applicant/accused could not appear before the court due to his ill health and due to his absence from the court proceedings, his bail order was cancelled and bail

bonds & surety bonds were ordered to be forfeited to the State and non bailable warrants were issued against him. It is further averred that the absence of applicant/accused was neither willful nor intentional. Now apprehending his arrest in this case, applicant/accused has moved this bail application U/s 438 of Cr.P.C.

3. Upon notice, none has appeared on behalf of complainant. Lower court has also been summoned.

4. I have heard learned counsel for the applicant/accused and have gone through the record pertaining to the case in hand, very carefully, with his able assistance.

5. Learned counsel for the applicant/accused argued in the lines of the application and prayed that the applicant/accused may be released on anticipatory bail.

6. I have paid a considerable thought to the submissions of the learned counsel for the applicant/accused and have gone through the record very carefully with his able assistance.

7. As per record, the proceedings before the learned trial court has been prolonged due to the adjournments, taken on the ground of compromise between the parties but till date, no compromise has been effected between the parties. However, offence involved in the instant controversy is bailable in nature, as such, while taking into consideration the aforesaid facts and circumstances of the present case, there is no reasonable apprehension of tampering of the prosecution evidence and apprehension of threat to complainant and no possibility of the applicant/accused to flee from justice. So, the applicant/accused is directed to appear before the Illaqa/ Duty Magistrate within 07 days from today and on his appearance before the lower court, he be released on bail by the learned trial court to its

satisfaction. As the proceedings of the case has suffered for a long time due to the aforesaid reason, as such, he is also burdened with the costs of Rs.2000/- to be paid to the complainant as litigation expenses before the learned lower court, at the time of furnishing bail bonds.

Now to come up on 20.02.2019 for further proceedings. Lower court record along with copy of this order be sent back forthwith and be also summoned for the date fixed.

Pronounced in open Court.

Dated: 13.02.2019

Kaushal

(Sachin Sharma)  
Addl.Sessions Judge,  
Kapurthala  
UI Code – PB0519