

In the Court of Sh. Amarinder Singh Grewal,
Sessions Judge, Kapurthala, (UID No.PB0037)

CNR No. PBKP010067112023

Case No. BA/2786/2023



Presented on : 22-12-2023

Registered on : 22-12-2023

Decided on : 04-01-2024

Pardeep Sabharwal aged about 54 years son of Gulshan Sabharwal, resident of House No.M-208, Manohar Nagar, Vikaspuri, Delhi and also resident of B/85A, Sector 20, Tilak Nagar, New Delhi, actually residing at 208, Himgiri Apartments, Vikaspuri West Delhi.

.....Accused/Applicant.

Versus

Hans Raj Singh son of Shri Amar Singh, resident of VPO Maini Bhagupurian, Tehsil Bholath, District Kapurthala.

.....Complainant.

Complaint u/s 138 of Negotiable Instruments Act.

Bail application under Section 438 CrPC.

Present: Sh. Charanjit Singh, Advocate, for applicant/accused.
Sh. Shailender Gill, learned PP for the State.

ORDER

1. Applicant Pardeep Sabharwal son of Gulshan Sabharwal, has filed the bail application under Section 438 Cr.P.C and notice of the same was given to the State/complainant.
2. Heard. The record reveals that complainant Hans Raj Singh, had filed the complaint under section 138 of Negotiable

Instruments Act against the present applicant Pardeep Sabharwal son of Gulshan Sabharwal before the learned Trial Court, on the allegations that the present applicant Pardeep Sabharwal in order to discharge his standing liability, issued post dated cheque bearing No.013133 dated 20.01.2008 of Rs.1,00,000/- in favour of complainant Hans Raj Singh. When the complainant presented the said cheque before its bankers, the same was dishonoured due to "Funds Insufficient." Thereupon, the complainant also issued legal notice upon the present applicant, to repay the cheque amount, but even then present applicant failed to return the cheque amount to the complainant. Thereafter, complainant Hans Raj Singh presented complaint before the learned Illaqa Magistrate/trial Court and led preliminary evidence and on the basis of preliminary evidence, present applicant Pardeep Sabharwal was summoned under section 138 of Negotiable Instruments Act, vide order dated 01.05.2008. Summons were issued to the present applicant and the same were received back with the report that there was no house No.208 in Vikaspuri, Delhi and complainant was directed to file correct address of the present applicant by the learned trial court vide order dated 12.08.2008. Thereafter on 04.08.2009, complainant had submitted before the learned trial court that he had no other address except one which he had already been provided in the complaint known to him and then the learned trial court issued the proclamation of the present applicant in the Daily Nawan Zamana vide order dated 04.08.2009 and ultimately the present applicant was declared as Proclaimed

Person vide order dated 19.09.2009.

3. So, since the case is based upon complaint, under section 138 of Negotiable Instruments Act and offence under section 138 of Negotiable Instruments Act is bailable one, accordingly, the present bail application is disposed off by ordering that in case the applicant surrenders, within 10 days, before the learned Trial Court from today and in case the applicant moves the bail application, the learned Trial Court is directed to dispose the bail application on the same day. Lower Court record be returned alongwith copy of this order and the file of bail application be consigned to the record room.

Pronounced in open Court
Dt.04.01.2024
(Arun)

(Amarinder Singh Grewal),
Sessions Judge, Kapurthala,
(UID No.PB0037)

Pardeep Sabharwal Vs. Hans Raj Singh

CNR No.PBKP010067112023
Bail application No.2786 of 2023

Present: Sh. Charanjit Singh, Advocate, for applicant/accused.
Sh. Shailender Gill, learned PP for the State.

Arguments heard. Vide separate detailed order of even date, the present bail application filed on behalf of applicant Pardeep Sabharwal has been disposed off. Lower Court record be returned alongwith copy of this order and the file of bail application be consigned to the record room.

Pronounced in open Court
Dt.04.01.2024
(Arun)

(Amarinder Singh Grewal),
Sessions Judge, Kapurthala,
(UID No.PB0037)