

HARMESH SINGH VS SHRI RAM TRANSPORT FINANCE CO LTD
etc.

Present: Sh. Jatinder Singh, Advocate for applicant-accused.
Sh. Simrat Pal Singh, Advocate for respondent no.1/
complainant.
Sh. Amitoj Singh, Addl.Public Prosecutor for the State.

Sh. Simrat Pal Singh, Advocate put appearance on behalf of
respondent Shriram Transport Finance Company and filed vakalatnama.

This is an application under Section 438 Cr.P.C. seeking
anticipatory bail applied on behalf of applicant/accused Harmesh Singh in a
complaint case under Section 138 Negotiable Instruments Act titled 'Shri
Ram Transport Finance Co. Ltd. versus Harmesh Singh'.

Summoned record received. Heard. Perusal of summoned
record makes out that on being summoned under Section 138 of the
Negotiable Instruments Act, bail applicant/accused put appearance before
the trial Magistrate and notice of accusation was served upon him vide
order dated 22.12.2021, but during the pendency of the trial, on account of
absence of the bail applicant/accused on 6.4.2022, his bail order was
cancelled and bail bond and surety bond were also cancelled and forfeited
to the State and his presence was ordered to be procured through arrest
warrants.

Learned counsel for the bail applicant submitted that the
accused was away to Madhya Pradesh, but he could not return. Learned
counsel submitted that absence of the accused was not intentional but due
to the abovesaid reason. Believing the contention of learned counsel, I find
it a fit case where benefit of pre-arrest bail could have been granted.
Consequently, arrest of bail applicant/accused is stayed provided within ten
days from today he appears before the Trial Magistrate/Duty Magistrate
and on his doing so, he shall be admitted to bail subject to his furnishing
bail/surety bonds to his satisfaction by the learned Trial Magistrate/Duty

Magistrate.

Lower Court record along with copy of this order be returned forthwith. Report of trial Court be called for 7.9.2022.

Date of order :16.8.2022

Jagjit Singh, Executive Assistant

Tarsem Mangla
Sessions Judge
Patiala. (UID No.PB0049)