

NACT-4909-2023
BA-392-2026

Shriram Transport Vs Pardeep Singh

Present: Sh. Angrej Singh Ranga, Advocate counsel for the accused.

File taken up today upon moving an application for surrender-cum-bail of accused Pardeep Singh. Ahlmad is directed to put up the case file after lunch. Ahlmad is also directed to intimate the Ld. Counsel of complainant through telephonic regarding the present bail application.

Date of Order: 27.02.2026
Arun

(Tarun Kumar)
Judicial Magistrate Ist Class,
Bathinda
UID No. PB0631

Present: Sh. Ripu Daman Kapoor, Advocate for complainant.
Accused on bail with Sh. Angrej Singh Ranga, Advocate.

File taken up again after lunch. Perusal of the file transpires that the accused was declared proclaimed person vide order dated 21.02.2025.

Heard. Offence being bailable in nature, accused is admitted to bail, subject to furnishing bail bonds in sum of Rs.10,000/- with one surety in the like amount. Surety bonds furnished. Same are accepted and attested. The present bail application stands disposed off and is ordered to be tagged with main filed. Reader of this Court is directed to send intimation regarding the bail bonds to concerned Tehsildar in compliance to the ***Judgment of Hon'ble Punjab and Haryana High Court in Harish Chand vs UT, Chandigarh and ors, CWP No. 4898 of 2018***. The present bail application stands disposed off and is ordered to be tagged with main file. The proclamation proceedings initiated against the accused are hereby ordered to be dropped. The Ahlmad of this Court is directed to intimate the concerned authorities accordingly and to ensure that necessary intimation is sent to the concerned quarter that the proclamation proceedings against the accused stand dropped.

Heard. Notice of accusation is also served to the accused to which accused pleaded not guilty and claimed trial. In view of procedure laid down by the Hon'ble Supreme court of India in judgment case titled as Indian Bank Association etc. Versus Union Bank of India cited as 2014 (2) RCR 598 wherein it has been held that in a case under Section 138 of NI Act complainant is not required to examine himself twice i.e. one after filing complaint and another after summoning of accused. There is no necessity to recall and re-examine complainant after summoning of accused, unless the Magistrate passes specific order as to why the

complainant is to be recalled. Both the parties have been examined orally after hearing their submissions with regard to instant complaint, this Court is of the considered view that it would not be appropriate to try the instant complaint as an summary case as the matter requires through consideration. For proper adjudication of the matter, the accused need fare opportunity to cross-examine the complainant and would also need opportunity to lead evidence in defence. Considering of this fact, this Court find it properly to try the instant complaint as summons case under Chapter XX of CRPC.

An application under Section 145 (2) of Negotiable Instrument Act is also filed by the learned counsel for the accused in view of law passed by the Hon'ble Supreme Court in the case titled as Indian Bank Association etc. Versus Union Bank of India cited as 2014 (2) RCR 598. The above said application is moved to giving an opportunity to conduct the cross examination of the complainant and the other witnesses which were previously examined at the stage of preliminary evidence. Learned Counsel for the complainant who is present in the court orally said no objection. Consideration heard. Contentions of the applications perused. Keeping in view of the cardinal principle of justice as nobody should be condemned without giving him opportunity of being heard and also in view of orally no objection of the counsel for complainant. Therefore, the present application is allowed.

At this stage, both the counsel for parties stated that there are chances of compromise between the parties and requested that the matter be referred to Mediation Center. Heard. Mediation form filled. Both parties are directed to appear before the mediator on 23.03.2026 and Report of mediation be awaited for 23.04.2026.

Ahlmad is directed to restore the file at its original/new number.

Date of Order: 27.02.2026
Arun

(Tarun Kumar)
Judicial Magistrate Ist Class,
Bathinda
UID No. PB0631