

CIS No. BA No.4019 of 28.08.2023

CNR No.PBRO-01-004439-2023

PBRO010044392023



Presented on : 28-08-2023

Registered on : 28-08-2023

Hemant Makol Vs State of Punjab

Present: Sh. Chaudhary Ashok Singh Advocate counsel for applicant/accused
Sh. N.P. S. Kang, Additional Public Prosecutor for State assisted by Sh. Vikas Walia Advocate, counsel for complainant.

ORDER:

1. Arguments on anticipatory bail application moved by applicant/accused Hemant Mokhal under Section 438 Cr.P.C. in private complaint case under Section 138 of Negotiable Instrument Act, bearing No. NACT/354/2020, titled as “ Madhu Mlhotra Versus Hemant Makol” pending in the Court of learned Judicial Magistrate, Ist Class, Rupnagar, heard.

2. Learned counsel for applicant/accused has argued that applicant/accused could not appear before the learned Trial Court on 02.06.2022 as applicant/accused was arrested by the police in some other case. Thereafter, on inquiry he came to know that the learned Trial Court has declared him proclaimed offender. He has further submitted that absence of applicant/accused from the Court was not intentional but due to the above said reason. Therefore, it is prayed that applicant/accused

may kindly be released on anticipatory bail.

2. Applicant/accused Hemant Makol has moved the present bail application for releasing him on anticipatory bail in a Criminal Complaint bearing No. NACT/354/2020, titled as “ Madhu Malhotra Versus Hemant Makol” under Section 138 of Negotiable Instrument Act, on the ground that applicant/accused was arrested by the police in some other case and later-on a compromise has been effected between the parties outside the Court and as such applicant was under the impression that he needs not to appear before the learned Court due to ignorance of law and the learned Trial Court declared him proclaimed offender vide order dated 26.05.2023.

3. Complainant Madhu Malhotra appeared along with her counsel today in the Court in this bail application and suffered a statement that a compromise Ex.P1 has been effected between her and applicant/accused Hemant Makol and she has no objection if the anticipatory bail application moved by applicant/accused for grant of anticipatory bail is allowed. She has also produced the compromise Ex.P1 which bears her signature and she identified the same.

4. No doubt applicant/accused has already been declared proclaimed offender by the learned Trial Court, but since the matter has been compromised between the parties and as per compromise Ex.P1, applicant/accused will pay a sum of Rs.3,90,000/- in installments of Rs.8000/- per month each by way of depositing the same in the bank

account bearing No. 65074162349 of complainant with State Bank of India Branch Red Cross Bhawan Rupnagar, therefore, as per the statement of complainant Madhu Malhotra recorded by this Court on 31.08.2023, the bail application moved by applicant/accused is allowed and applicant/accused is directed to join the proceedings before the learned Trial Court within 05 days from today and in case of his appearance before the learned Trial Court to join the proceedings in this case, the learned Trial Court/Duty Magistrate shall release him on interim bail to its satisfaction subject to the following conditions:-

a) applicant/accused shall appear before the learned Trial Court on each and every date of hearing.

(b) applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(c) applicant/accused shall not leave the country without prior permission of the Court.

5. Record of the learned Trial Court along with copy of this order be sent to the learned Trial Court. Now to come up on 06.09.2023 for awaiting report of learned Trial Court regarding joining of proceedings by the applicant/accused and arguments on bail application.

Pronounced

Dated: 31.08.2023

**(Sham Lal),
Additional Sessions Judge,
Rupnagar [UID No.PB0123]**

Rakesh Kumar Stenographer-I