



**In the Court of Gurnam Singh-II,
Addl. Sessions Judge, Ferozepur (UIC: PB0094)**

BAIL APPLICATION NO.238 OF 18.05.2018.
CIS NO.BA/1014/2018.
CNR NO. PBFZ01-002841-2018.
DATE OF DECISION: 04.06.2018.

Sandeep Kumar Sharma son of Ved Parkash, resident of Gali No.7,
Puri Colony, Near FCI Godown, Faridkot. Aadhar No.9577 8542
5007.

.....Applicant.

Versus

Rajinder Pal Gupta son of Shri Ramji Lal, resident of House
No.103/015, Bazar No.5, Near Jain Mandir, Ferozepur Cantt c/o
Ashu Music Centre, Ferozepur Cantt

.....Respondent.

Application under section 438(i) Cr.P.C.

Present:

Sh. Love Chhabra, Advocate, counsel for applicant Sandeep Kumar
Sharma.

Respondent/complainant Rajinder Pal Gupta with counsel Sh.
Chetan Sikri, Advocate.

ORDER

The record of the complaint filed by the respondent
against the applicant bearing case No. 65-2 of 05.07.2016/

10.04.2017 CIS No.NACT/537/2016 received from the trial court of Sh. Ravinder Singh Rana, JMIC, Ferozepur. Arguments on the bail application heard.

2. The record shows that the applicant was facing trial for an offence punishable under Section 138 of the Negotiable Instrument Act in the above referred complaint. The notice of allegations was served upon the applicant on 16.03.2016 and the complaint was fixed for after notice evidence of the complainant. Thereafter, the complaint was transferred from the court of Sh. Atul Kamboj, JMIC, Faridkot to the court of learned CJM, Ferozepur vide order dated 18.05.2016. On the said date, the applicant filed an application for exemption of his personal appearance, which was allowed. The record further shows that the applicant did not appear in the complaint subsequently and a notice was ordered to be issued to him on 12.01.2017. After that, his bailable warrants were ordered to be issued and subsequently, his non-bailable warrants were ordered to be issued. As the applicant did not appear in the complaint despite said processes, proclamation proceedings under Section 82 Cr.PC were initiated vide order dated 21.05.2018 and now the complaint is fixed for completion of the said proceedings.

3. From the above referred facts, it is found that neither bail order nor bail/surety bonds of the applicant were cancelled and forfeited by the trial court. Straightway process for securing his presence was started from the notice and ultimately through proclamation proceedings. Now, the next date in the trial court is stated to be 13.06.2018 for recording statement of the serving

official regarding proclamation proceedings. So, the applicant is directed to surrender before the concerned trial court/Duty Magistrate, Ferozepur on 13.06.2018 and move surrender application. The respondent/complainant is also directed to appear before the trial court/Duty Magistrate on the said date. Learned trial court would proceed with the complaint on the bail/ surety bonds already furnished by the applicant by treating him on bail. In case, the applicant does not surrender before the trial court/ Duty Magistrate on 13.06.2018, then the trial court will cancel either his bail order or bail/surety bonds and pass an order for forfeiture of the same and will also initiate proceedings under Section 446 Cr.PC against the applicant. It is further ordered that during pendency of the complaint, no application for exemption of the personal appearance of the applicant would be allowed without a documentary proof of the reasons, which would be stated in such application. The bail application stands disposed of accordingly. Lower court record along with a copy of this order be sent to the trial court well before the date fixed. Record of the bail application be consigned to the record room.

Announced in open court.

Dt: 04.06.2018.

Anil Kumar

Sd/-

(Gurnam Singh-II)

Addl. Sessions Judge,

Ferozepur. (UID No. PB0094)