

NACT-1393-2025
BA-454-2026

State Bank of India Vs. Harpreet Kaur

Present: Sh. Amandeep Singh counsel for the accused.

An application for putting up case file and for surrender and grant of bail to the applicant/accused Harpreet Kaur is moved by learned counsel of applicant. It be registered Ahlmad is directed to put up the case file. Ahlmad is also directed to inform about surrender-cum-bail application of accused to the Ld. Counsel of complainant telephonically.

Date of Order: 12.03.2026
Baby Sharma

(Tarun Kumar)
Judicial Magistrate 1st Class,
Bathinda/ UID No. PB0631

Present: Sh. Rakesh Kumar, Advocate for complainant.
Accused on bail with Sh. Amandeep Singh, Advocate.

File put up by the Ahlmad. Accused Harpreet Kaur appeared/surrendered before the undersigned court through counsel namely Sh. Amandeep Singh, Advocate, and moved an application for grant of bail. Heard. Offence being bailable in nature therefore, accused is admitted to bail on furnishing of bail bonds at the tune of Rs.5,000/- with one surety in the like amount. Further Ld. Counsel of accused orally requested to accept personal bonds in lieu of surety bonds. Request heard and allowed with the specific directions that accused will furnish the requisite surety bonds on or before the next date of hearing. Personal bonds furnished. Same are accepted/attested and attached with the file. The present bail application stands disposed off and is ordered to be tagged with main file.

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. The complainant counsel is further directed to supply copy of affidavit filed in preliminary evidence to the accused or his counsel one day in advance to the date fixed. Proclamation issued against accused, if any, stands recalled.

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 03.04.2026 and Report of mediation be awaited for 24.04.2026.

Date of Order: 12.03.2026
Baby Sharma

(Tarun Kumar)
Judicial Magistrate 1st Class,
Bathinda/ UID No. PB0631

