

**IN THE COURT OF SH.PREM KUMAR,ADDL. SESSIONS
JUDGE, GURDASPUR(UID No.PB0451)**

**Bail Application No. 174/2018
Date of Instn. : 18/07/2018
CIS No.BA/1860/2018
CNR No. PBGD01-004851-2018
Date of order : 02/08/2018**

Joga Singh son of Bhan Singh, resident of vill. Maan, Tehsil Dera
Baba Nanak, District Gurdaspur.

..Applicant-accused

Vs.

Punjab & Sind Bank, branch Dera Baba Nanak, District Gurdaspur
through its Manger.

...Respondent.

Complaint U/S 138 of Negotiable Instrument Act

First Bail application U/s 438 Cr.P.C.

Present: Sh.J.S.Randhawa, Advocate for applicant.
None for complainant.

ORDER:

1. This order of mine shall dispose of bail application moved by applicant-accused Joga Singh under Section 438 Cr.P.C in the above mentioned complaint case.
2. Notice of the bail application was issued to respondent/complainant but none has appeared on behalf of complainant. Lower court record was requisitioned.
3. The complainant Punjab and Sind Bank filed a complaint under section 138 of Negotiable Instrument Act against applicant Joga Singh in which he was summoned vide order dated

03/03/2016 by learned trial court but he did not appear and ultimately he was declared proclaimed offender vide order dated 18/02/2017.

4. Ld.counsel for applicant has contended that applicant is innocent and has not committed any offence. He contended that applicant was never served in this case in any manner nor he was aware about the pendency of the complaint. He came to know about the pendency of above mentioned case when the police raised his house in his absence. He contended that non-appearance of applicant was not intentional and prayed that he be granted anticipatory bail.

5. I have considered the arguments of learned counsel for applicant/accused and have gone through the record. As per record the applicant/accused was summoned by learned trial court under section 138 of Negotiable Instrument Act, but he did not appear and vide order dated 18/02/2017 the applicant/accused has been declared proclaimed offender by learned trial court. Taking into consideration all these facts and circumstances, the applicant Joga Singh is directed to surrender before the trial court within ten days and move regular bail application and the learned trial court shall decide the bail application to its own discretion. Copy of this order alongwith trial court file be sent back. Present bail application file be consigned to record room.

Pronounced in open Court:
Dt: 02/08/2018
Rajiv Sharma,
Stenographer-I

(Prem Kumar)
Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)

BA/1860/2018

Joga Singh Vs Punjab and Sind Bank

Present: Sh.J.S.Randhawa, Advocate for applicant.
None for complainant.

Complainant not served. Lower court record received.

Arguments heard. Vide my separate detailed order of even date, the present bail application has been disposed off. Copy of this order alongwith trial court file be sent to the learned Trial Court immediately. Present bail application file be consigned to record room.

Pronounced in open Court:

Dt: 02/08/2018

Rajiv Sharma,
Stenographer-I

(Prem Kumar)

Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)