

Joginder Kaur Vs. State Bank of India

Present: Shri Rajiv Bhatia, Advocate, counsel for the applicant.
None for the respondent/complainant.

1. None has appeared on behalf of the respondent/complainant despite service of notice of the bail application.

2. Accused/applicant Joginder Kaur has sought pre-arrest bail in a private complaint case bearing CIS No. NACT-896-2019.

3. Heard. The accused/applicant has been facing trial under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate Ist Class, Gurdaspur. She absented from the proceedings on 01.02.2023 and on that day the Court adjourned the matter to 24.03.2023 for awaiting appearance of the accused/applicant but she failed to appear even on 24.03.2023 and the learned trial Court was left with no option except to forfeit her bail bonds to the State and cancel the bail order. Now, proclamation has been issued by the learned trial Court to procure the presence of the accused/applicant for 03.07.2023. Accused/applicant is a lady aged about 59 years. Keeping in view the entire facts and circumstances, it is ordered that in case applicant/accused causes her appearance before the learned trial Court/Duty Magistrate within 15 days and places on record demand draft in the name of complainant-bank for Rs.50,000/-, the learned trial Court/Duty Magistrate shall admit her to bail on her furnishing bail bonds in the sum of Rs.30,000/- with one surety in the like amount to its satisfaction. The learned trial Court/Duty

(Rajinder Aggarwal)
Sessions Judge, Gurdaspur. 05.06.2023.

Magistrate shall be at liberty to impose appropriate conditions at the time of admitting the applicant to bail.

4. The learned trial Court shall disburse the said amount of Rs.50,000/- to the respondent/complainant as interim compensation under Section 143-A of the Negotiable Instruments Act. However, in case respondent/complainant moves application under Section 143-A of the Negotiable Instruments Act, the learned trial Court shall be at liberty to pass appropriate orders to determine the amount of interim compensation and at that time the amount of Rs.50,000/- paid under this order shall be taken into consideration by the learned trial Court.

5. However, in case accused/applicant neglects in attending the trial Court on any subsequent date, the learned trial Court shall be at liberty to cancel this bail order.

6. Trial Court record alongwith copy of this order be returned. Instant file be consigned to the Record Room.

Pronounced.
Dated: 05.06.2023.

Davinder Singh, EA

(Rajinder Aggarwal)
Sessions Judge, Gurdaspur.
(UID No. PB00048)

(Rajinder Aggarwal)
Sessions Judge, Gurdaspur. 05.06.2023.