

**IN THE COURT OF SH. ASHISH KUMAR BANSAL,
ADDITIONAL SESSIONS JUDGE, MANSA.**

Case Type : BA (Bail Application)
File No. : 771/12.10.2023
CIS Case No. : BA/1680/2023
CNR No. : PBMN010045352023
Date of Decision : 19.10.2023

Narinder Singh aged about 44 years, son of Kehar Singh, resident of village Daska, District Sangrur.

...Applicant/accused

Vs.

Amarjeet Singh son of Diwan Singh, resident of Budhlada, Tehsil Budhlada, District Mansa.

...Respondent.

Bail application under section 438 Cr.P.C. for grant of anticipatory bail to the applicant in complaint case under Section 138 of the Negotiable Instrument Act.

Present: Sh. K.S. Sidhu, Advocate, Ld. counsel for applicant/accused.
Sh. P.S. Chahal, Ld. Addl.P.P for the State.

ORDER:

1. Accused/ applicant has filed the bail application under section 438 Cr.P.C. for grant of anticipatory bail.

Grounds of bail application

2. Apart from the usual grounds, the anticipatory bail of applicant is sought on the ground that applicant is innocent person. The applicant is suffering from sugar, heart decease and other ailments. The

applicant never intentionally avoided to appear the ld. Trial court. The applicant was declared Proclaimed Offender by the ld. Trial court and he is ready to join the proceedings of the case.

Arguments of ld. Counsel for the applicant

3. Ld. Counsel for the applicant reiterated the averments as made in the application in his arguments.

Arguments of ld. Addl. PP for the State

4. Ld. Counsel for the respondent argued that the applicant/accused does not deserve the anticipatory bail.

Conclusion

5. Record perused. Perusal of the main file under Section 138 of the Negotiable Instrument Act, 1881, titled as Amarjeet Singh Vs. Narinder Singh, File No.09 dated 07.03.22, shows that accused/applicant Narinder Singh was summoned by the ld. SDJM, Budhlada to face summary trial for the offence u/s 138 of the Negotiable Instrument Act, 1881 vide order dated 22.09.22. The accused did not appear even once before the ld. Trial Court. The accused was thereafter declared as Proclaimed person by the ld. Trial court vide order dated 07.08.2023.

It is apparent that the accused did not appear before the ld. Trial court even once. It is also worthwhile to mention that offence u/s 138 of the Negotiable Instrument Act is bailable one and as the accused did not appear before the ld. Trial court even once, so he is entitled to be released on bail as per provisions of Section 436 of the Cr.P.C. on his

surrender before the ld. Trial Court even if he has been declared Proclaimed Offender as per order dated 07.08.23.

As the accused apprehends his arrest in a bailable offence, therefore in view of the aforementioned observation, the instant bail application invoking provision of Section 438 of Cr.P.C. which lies for the non-bailable offence is not maintainable. Accordingly, present bail application stands dismissed. File be consigned to the record room.

Announced

Dated: 19.10.2023

**(Ashish Kumar Bansal),
Addl. Sessions Judge, Mansa.
(UID: PB0240)**

Present: Sh. K.S. Sidhu, Advocate, Ld. counsel for
applicant/accused.
Sh. P.S. Chahal, Ld. Addl.P.P for the State.

Arguments heard. Vide my separate detailed order of even
date, present application for bail stands dismissed. File be consigned to
the record room.

Announced

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Dated: 19.10.2023

**(Ashish Kumar Bansal),
Addl. Sessions Judge, Mansa.
(UID: PB0240)**