

IN THE COURT OF MS.POONAM BANSAL
ADDITIONAL SESSIONS JUDGE, SANGRUR
(Unique Identification No.PB-0190)

BA No. 1421 of 17.05.2019
CIS No. BA/1421/2019
CNR No. PBSG01-004776-2019
Decided on: 20.05.2019

Sachin Loomba aged about 35 years son of Sudesh Kumar, H.No 610,
Ward No.6, Gharami Patti, Samana, District Patiala.

....Accused-applicant

Versus

Ramandeep Kaur wife of Manpreet Singh, resident of village Daulatpur,
Tehsil Malerkotla, District Sangrur

Respondent.

In the matter of complaint under Section 138 Negotiable
Instruments Act.

Bail application Under section 438 Cr.P.C.

Present: Shri Gagandeep Singh Advocate counsel for the applicant.
None for the respondent.

ORDER:

1. This order shall dispose of an application filed by the applicant Sachin Loomba in the complaint under Section 138 of Negotiable Instruments Act, titled as Ramandeep Kaur Vs Sachin Loomba for grant of anticipatory bail to the applicant and for issuance of necessary directions to the Ld. SDJM, Dhuri to release the applicant after furnishing of bail bonds in the event of his presence at the time of furnishing bail bonds before the Hon'ble Court in the above complaint case.

2. Notice of the application was issued to respondent/complainant but the notice has not been received back. Trial Court record was also requisitioned.

3. Learned counsel for the applicant has argued that the applicant is law abiding citizen and permanent resident of Samana, Tehsil Samana, District, Patiala. The complainant had filed a false complaint in the court of SDJM, Dhuri on false and frivolous grounds. He has further argued that the applicant has not received any summons from the trial Court as the complainant has not mentioned the complete address of the applicant in the complaint, hence the applicant could not appear before the learned trial Court. Due to non-appearance of the applicant the learned trial Court has issued non-bailable warrants. Moreover, the offence under Section 138 of N.I.Act is bailable. He has further argued that the absence of the applicant in the trial Court was neither intentional nor willful but due to the above said unavoidable circumstances. The applicant wants to appear in the court, but apprehends that he may be sent to judicial lockup in the event of his appearance in the trial Court. On the strength of these grounds the counsel for the applicant has prayed that the applicant be given the concession of anticipatory bail.

4. Notice of the bail application was issued to the respondent/complainant but the same has not been received back.

5. Contentions of the learned counsel for the applicant have been heard and case file perused with due care and circumspection.

6. The perusal of the trial court reveals that in a complaint under Section 138 of Negotiable Instruments Act, filed by the complainant, applicant was ordered to be summoned to face trial by the trial Court vide its order dated 03.10.2018. The applicant was not personally served. Vide order dated 21.01.2019 it has been observed by the trial Court that the accused -applicant is evading service and as such non-bailable warrants of arrest were ordered to be issued against the applicant. The applicant was not personally served. The coercive procedure has been adopted by the trial Court only to procure his presence. The accused has not yet been declared proclaimed person. Therefore, this Court is of the view that it is fit case, where the applicant should be granted the concession of bail. The applicant is ready to join the proceedings. Therefore, the application is allowed, with the direction to the applicant to appear before the trial Court within ten days from today and in the event of his appearance within the stipulated period, he is admitted to bail on his furnishing bail to the satisfaction of the trial Court. Trial Court record be returned.

File be consigned to the record room

Announced in open Court.

May 20, 2019

Khem Chand Stenographer-I.

(Poonam Bansal)

Additional Sessions Judge,
Sangrur.

Unique Identification No.PB-0190

Sachin Loomba Vs Ramandeep Kaur

CNR No. PBSG01-004776-2019 CIS No.BA/1421/2019

Present: Shri Gagandeep Singh Advocate counsel for the applicant.
None for the respondent.

Notice sent to the respondent/complainant not received
back. Trial Court record also received.

Arguments heard. Vide separate order of today, bail
application is allowed, in the terms mentioned therein. File be consigned
to the record room.

Announced in open Court.

May 20, 2019

Khem Chand Stenographer Gr.I.

(Poonam Bansal)

Additional Sessions Judge,
Sangrur.

Unique Identification No.PB-0190