

Palwinder Singh Dhesi Vs State :1:

IN THE COURT OF SH.GURMOHAN SINGH,
ADDITIONAL SESSIONS JUDGE,
JALANDHAR. (UID No.PB0573)

Case Type	BA
BA No.	1604/2017
CNR No.	PBJL01005179-2018
Date of Institution	28.03.2018
Date of order	30.04.2018

Palwinder Singh Dhesi, aged about 47 years son of Sh. Mohan Singh,
Permanent resident of Village Dhesian Kahna, Tehsil Phillaur, District
Jalandhar also resident of DV 5/304, Krishna Colony, Distt. Jalandhar.

...Accused/applicant.

Versus

State of Punjab

...Respondent.

FIR No.242 dated 05.11.2017
Under Sections 174-A IPC
PS Goraya, Jalandhar.

First bail application Under Section 438 Cr.P.C

Present: Sh. Deepak Moudgil Adv., counsel for the accused/applicant.
Sh. A.P.S Dhillon, Addl. PP for the state.

1. Present bail application is filed under **Section 438 Cr.P.C** in **FIR No.242 dated 05.11.2017 Under Sections 174-A, PS Goraya, District Jalandhar.**

2. The brief facts of the case are that the FIR against the accused has been lodged under Section 174-A IPC as accused remained absent from the proceeding of the court and was declared proclaimed person under Section 82 Cr.P.C vide order dated 28.07.2016 by the Id. Trial court in complaint under Section 138 NI Act titled as "M/s Rishi Finance Vs.

Palwinder Singh Dhesi". Thus, on the basis of the said order dated 28.07.2016 above said FIR has been lodged against the present applicant. Thus, apprehending his arrest the present applicant/accused has moved the present bail application.

3. Addl. PP for the State has put in appearance in pursuance of issuance of notice to State. Record has also been produced.

4. Ld. Counsel for the applicant/accused argued that applicant/accused is innocent person and has been falsely implicated in the present case. Further stated that the above noted FIR was got registered by the Ld. Court of Sh. Ravi Pal, JMIC, Phillaur and on the basis of declaration of the applicant as proclaimed person, one complaint was moved by M/s Rishi Finance before the court under Section 156(3) Cr.P.C against the present applicant for registration of the case under Section 174-A IPC before the court of Sh. Ravi Pal, JMIC, Phillaur. Further stated that the applicant was never aware of the registration of the complaint under Section 138 of NI Act against the applicant, as such, he had never put his appearance before the ld. Trial court. Further stated that as now a compromise has been effected with the complainant in a case under Section 138 of NI Act. Further stated that, now after the registration of the present case, there is reasonable apprehension in the mind of the applicant, though originally the matter under Section 138 NI Act has been compromised between the parties, but the police PS Goraya will arrest the applicant in this case and will use third degree method against him. Ld. Counsel for the applicant submits that in the bail application No.1865

dated 13.04.2018 the complainant has recorded his statement that the compromise has been effected and he has also filed his affidavit regarding the same. Thus, submits that taken into consideration the compromise the applicant be directed to join the investigation as nothing is to be recovered from him. Thus, prays for the concession of the bail.

5. Ld. APP for the State argued that in the present FIR the accused has been earlier declared proclaimed person vide order dated 28.07.2016 and thus the present applicant does not deserve the concession of bail.

6. I have heard ld. counsel for the applicant-accused and Ld. Addl. PP for the State and have gone through the record with their able assistance.

7. Keeping in view of the facts and circumstances of the present case, this court is of the considered opinion that the present FIR has been lodged on the basis of the Order dated 28.07.2016 in a complaint case under Section 138 NI Act, in which the applicant has been declared proclaimed person. Further perusal of the record reflects that the complainant has entered into the compromise with the present applicant and nothing is to be recovered from the present applicant in the FIR. Thus, considering the above facts and circumstances of the present case, applicant is hereby directed to join the investigation before the SHO/I.O of concerned Police Station on 03.05.2018 at 11:00 A.M and in the event of the arrest of accused/applicant, he is ordered to be released on **interim bail** on furnishing **bail bonds** in the sum of Rs.50,000/- with one surety of the like amount each to the satisfaction of Arresting officer, subject to

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conditions under Section 438(2) Cr.P.C. Thereafter, bail application is adjourned to 07.05.2018 for final arguments.

Dated:30.04.2018

*JW/Mamta**

**(Gurmohan Singh)
Addl. Sessions Judge,
Jalandhar. (UID No.PB0573)**