

IN THE COURT OF DHARMINDER PAUL SINGLA,
ADDITIONAL SESSIONS JUDGE, PATIALA(PB0083)

Bail Application No. 1476/2019/ 24.5.2019
CNR No. PBPT0100-9641-2019
Decided on: 6.6.2019

Sarabjit Singh aged about 50 years so of Shri Santokh Singh resident of village Naugawan, P.S. Sadar, Patiala Tehsil and District Patiala.

.....Applicant/accused

Versus.

1. Harish Kant Walia son of Shri Ramesh Chand Ahulwalia resident of 513, Dhak Bazar, Patiala, District Patiala.
2. State of Punjab

.....Respondents.

Bail Application under Section 438 of Cr.P.C.

Present: Sh. H.P.S. Tatla, Advocate for applicant-accused.
Sh. B.S. Sodhi, Advocate for respondent

ORDER

1. This order of mine shall dispose of application for anticipatory bail moved by the accused/applicant in a complaint case, whereby he has absented from court proceedings under Section 138 of Negotiable Instrument Act.

2. Learned counsel for the accused/applicant pressed for anticipatory bail on the ground that accused/applicant has abstained from court proceedings due to mistaken date, though previously compromise was effected between the parties. He further submitted that the Learned Trial Court has immediately issued the proclamation without following due procedure and he is ready to surrender before Learned Trial Court. He further submitted that he is ready to pay the amount of installment and prayed for anticipatory bail.

3. Learned counsel for the complainant opposed the bail application, but he has submitted that if accused/applicant would pay the amount of installment which was previously already agreed, then the accused/applicant would appear before Learned Trial Court. He prayed for dismissal of application on these grounds.

4. After hearing their respective submissions and perusal of the record reveal the fact that the accused/applicant has been attending the court since his appearance on 7.11.2016. He further compromised the matter with the complainant and paying installments. He has absented only on one date on 16.1.2019. Applicant alleged in the application specifically that he has mistook the date and his absence is neither intentional and nor willful and now accused/applicant is ready to pay the amount due against him. Keeping in view these facts and circumstances statement of accused has also been recorded. As such, the bail application moved by applicant/accused is hereby allowed subject to the condition that he would surrender before Learned Trial Court/Duty Magistrate within 7 days and Learned Trial Court/Duty Magistrate shall release him on bail to the satisfaction of that very court. Further he would also pay Rs. 30,000/- on 13.7.2019 before Learned Trial Court and the remaining amount of Rs. 20,000/- would be paid on 14.8.2019. Record of learned Trial Court be returned along with copy of this order, whereas bail application file be consigned to the Record Room, after due compilation.

Pronounced: 6.6.2019
jaspal singh stenographer-II

Dharminder Paul Singla
Addl. Sessions Judge, Patiala
UID NO. PB0083