

**IN THE COURT OF SH. AJIT PAL SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR.
Unique Identification Code No. (PB0226)**

Bail application RBT No. 313 dated 21.06.2023

Date of Decision: 30.06.2023

CIS no. BA-1932-2023

Lakhwinder Singh son of Gurmej Singh resident of village Raju Bela,
P.O. Chak Sharif, Tehsil and District Gurdaspur.

---Accused/applicant.

Versus

Jaswinder Singh son of Balbir Singh resident of Mohalla Guru Nanak
Nagar, Village and P.O. Kahnuwan, Tehsil and District Gurdaspur.

2nd BAIL APPLICATION U/S 438 CR.P.C

Present: Sh. Harpreet Singh Advocate counsel for accused/applicant.
None for complainant.

O R D E R

1. File put up before me being Vacation Judge. This is an application for seeking bail under Section 438 Criminal Procedure Code moved on behalf of above said accused/applicant Karan Singh in the aforementioned FIR.
2. Notice issued to the respondent-complainant received back unserved. Record has been received and perused.
3. The bail application has been moved by accused-applicant with the averments that in the month of September 2022, the complainant and accused got compromised the matter and it was settled that accused shall pay the total amount of Rs. 3,20,000/- to the complainant on 12.09.2022 and remaining amount of Rs. 2,00,000/-

shall be paid upto 10.11.2022, but the accused mistook of date and absented himself from the court and non-bailable warrants were issued. It has further been submitted that on account of financial problems, the accused-applicant left Punjab State and to do handwork and to manage the balance amount under the compromise and on account of his absence, proclamation has been issued against him. The absence of the accused from the learned trial Court was neither intentional nor willful. It has further been submitted that the accused-applicant is ready to pay the balance amount as per compromise to the complainant and prayed that accused-applicant may please be granted bail.

4. I have heard the learned counsel for accused-applicant and have also perused the record very minutely with their able assistance.

5. After hearing rival contentions of learned counsel for complainant and perusing the record, it transpires that accused had absented himself from the ld. Trial Court in a complaint filed under Section 138 of Negotiable Instruments Act and as such, his bail was cancelled and non-bailable warrants were issued against him. Thereafter, learned trial Court has issued the proclamation against the accused-applicant and the case was adjourned to 05.07.2023. Ordinarily, accused who had been summoned through non-bailable warrants in the such complaint was released on bail on his furnishing bail bonds and surety bonds as the offence is bailable and as such, apprehension of applicant

regarding his arrest is mis-conceived and no ground is made out for grant of anticipatory bail. This view of mine finds support in law laid down by Hon'ble Punjab & Haryana High Court in case titled as **Hardev Singh alias Debu Vs. State of Punjab, 2011 (2), RCR (Criminal), 471.**

However, the applicant is directed to appear before Id. Trial Court within 15 days from today and to make the remaining payment of Rs. 2,00,000/- as per the compromise (which has also been undertaken in the bail application by the learned counsel for the accused-applicant to be paid to the complainant in the learned trial Court) failing which the bail application shall be deemed to have been dismissed. Nothing as expressed in the said order shall have any bearing on the merits of the main case. Record of learned trial Court be returned forthwith alongwith copy of this order. File of bail application be sent to the court of learned Sessions Judge, Gurdaspur for its entrustment.

Pronounced in the open Court
Dated: 30.06.2023
Dilbag Singh, Steno-II

(Ajit Pal Singh)
Addl. Sessions Judge,
Gurdaspur. UID no. PB0226