

**IN THE COURT OF SH. YUKTI GOYAL,
JUDGE, SPECIAL COURT, JALANDHAR**
(UID No. PB0220)

CIS Case No :	BA-1996-2023
CNR No :	PBJL01-01004780-2023
Date of Institution :	10.4.2023
Date of Order :	13.4.2023

Basant Ram alias Bassant aged about 50 years son of Piara resident of Mohalla Dhora (Baagwala) near Tagri Shah Peer, Shahkot, Tehsil Shahkot, Distt. Jalandhar.

...Applicant/accused

Versus

Sukhwinder Kaur d/o Bhagwan Singh, r/o Gandhi Chowk, near Shiv Mandir, Shahkot, Tehsil Shahkot, District Jalandhar

...Respondent/complainant

(First application for bail under Section 439 Cr.P.C.)

(Complaint Under Section 138 of Negotiable Instruments Act)

Present: Sh. Balwinder Singh Thapar, Advocate for applicant/accused.
Counsel for the respondent

ORDER

1. This order will dispose of bail application under Section 439 Cr.P.C. to release the applicant/accused on bail in complaint case titled as Sukhwinder Kaur vs Basant Ram, under Section 138 of Negotiable Instruments Act, moved by the applicant/accused.

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2. Learned counsel for applicant/accused argued that the applicant/accused was declared proclaimed offender by the Ld. Trial Court vide order dated 17.10.2022. Learned counsel for the applicant/accused further argued that the applicant/accused had filed a petition under section 482 Cr.P.C. i.e. CRM-M/10717/2023 before Hon'ble High Court of Punjab and Haryana, Chandigarh for quashing of the said order, wherein Hon'ble High Court of Punjab and Haryana, Chandigarh, directed the applicant/accused to surrender before Ld. Trial Court and to move an application for bail with the direction to Ld. Trial Court to consider and decide the same, in accordance with law. Learned counsel for the applicant/accused further argued that in pursuance to order of Hon'ble High Court, applicant/accused surrendered before Ld. Trial Court and Ld. Trial Court while dismissing the bail application, sent him to judicial custody. Learned counsel further argued that the applicant/accused being cleaner of a truck, had gone to Orissa and due to unavoidable circumstances, he could not return within time to appear before Ld. Trial Court. Learned counsel further argued that on account of absence of applicant/accused from the Court, warrants of arrest were issued against him and later on he was declared proclaimed offender vide order dated 17.10.2022. Ld. Counsel has further argued that the applicant/accused is now in custody since the date of his arrest in the present case.

Lastly, it is prayed that bail application may kindly be allowed and the applicant/ accused be released on bail.

3. On the other hand, Ld. Counsel for the respondent opposed the bail application on the ground that applicant/accused has already misused the concession of bail and he is not entitled to concession of bail. Lastly, it is prayed that present bail application of applicant/accused be dismissed.

4. I have heard Ld. Counsel for the parties and have gone through the file very carefully with their able assistance.

5. Perusal of the file reveals that complaint under Section 138 of Negotiable Instruments Act was filed by the complainant Sukhwinder Kaur against accused Basant Singh. Perusal of file further reveals that applicant/accused was granted concession of bail and he was appearing before Ld. Trial Court. However, on account of his non-appearance before Ld. Trial Court, vide order dated 10.5.2022, his bail order/bail bonds/surety bonds were cancelled and bail bonds and surety bonds were forfeited to State. Thereafter, accused was declared proclaimed person vide order dated 17.10.2022. The applicant/accused is in custody since the date of his surrender before Ld. Trial Court i.e. 27.3.2023. The offence alleged to have been committed by the applicant/accused is bailable in nature. By now the accused must have learnt lesson for absconding from the court proceedings. Accordingly, the applicant/accused is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/-

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with one surety to the satisfaction of concerned Judicial Magistrate, where the complaint is pending and in her absence concerned Duty Magistrate, subject to the following conditions:-

- i. That applicant/accused will appear in the court on each and every date of hearing
- ii. That he will not leave the limits of this country without prior permission of the Court;
- iii. That the applicant/accused will not threaten or induce any witness to dissuade him from disclosing the true facts.

Accordingly, bail application is hereby disposed of. File be consigned to Record Room. Record be returned.

Date of Order: 13.4.2023

Rajinder Kumar, JW

(Yukti Goyal)

Addl. Sessions Judge-VIII
Jalandhar/UID NO . PB0220

Yukti Goyal
ASJ/Jalandhar
Dated:13.4.2023