IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34573-2015 (O&M)
Date of Decision: October 30, 2015

Dharam Parkash

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sandeep Singh, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Mr.Deepender Singh, Advocate
for respondent No.2.

.....

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Dharam Parkash, son of Balkishan Sharma, resident of V.P.O. Pathreri, Tehsil Manesar, District Gurgaon, who has been booked for having committed the offence punishable under Section 174-A, IPC, in a case arising out of FIR No.373, dated 25.09.2015, registered at

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Police Station, Bilaspur, Gurgaon.

Learned counsel contends that a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, `the 1881 Act') was presented against the petitioner by respondent No.2 and due to inadvertence he could not appear before the learned trial Court in the complaint case and, as such, the present case has been registered. Since no recovery is to be effected from the petitioner and his custodial interrogation would not be of any consequence, therefore, the present petition may be accepted. He further submits that he will immediately appear before the learned trial Court in a complaint case under Section 138 of the 1881 Act, provided the liberty of the petitioner is protected in the present case.

Learned counsel for the State, on instructions from ASI Anil Kumar of Police Station, Bilaspur, District Gurgaon, very fairly concedes that custodial interrogation of the petitioner is not required in the present case, however, he should join the investigation as and when required to do so by the Investigating Agency.

Learned counsel for the *de facto* complainant in the complaint under Section 138 of the 1881 Act opposed the grant of

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anticipatory bail to the petitioner but could not justify as to why the custody of the petitioner is required by the Investigating Agency in the present case.

After hearing the learned counsel for the parties and going through the material available on record, this Court accepts present petition and it is directed that the petitioner be released on bail in the event of his arrest subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

October 30, 2015 **(NARESH KUMAR SANGHI)**
meenu **JUDGE**

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