

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.21 of 2019 (O&M)

Date of Decision: 10.04.2019

S. Srinivasan

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Narender Kumar Vashist, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for respondent No.1/State.

None for respondent No.2.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.207 dated 27.09.2018, under Section 174-A of the Indian Penal Code, 1860, registered at Police Station Tigaon, Faridabad, District Faridabad.

This Court, while issuing notice of motion on 02.01.2019, passed the following order:-

“ Learned counsel for the petitioner contends that a complaint under Section 138 of the Negotiable Instrument Act has been filed against the petitioner on the allegation that cheque for Rs.5 lac issued by him has bounced. Learned counsel for the petitioner contends that his mother who was residing in South India was taken ill. Therefore, he could not appear on 22.05.2018. His Mother died on 08.07.2018 and

his Father-in-law also died on 23.11.2018. Petitioner was declared proclaimed offender on 13.08.2018. Learned counsel for the petitioner contends that he is ready to settle the dispute under Section 138 of the Negotiable Instrument Act with the complainant for which he has sufficient money available in his bank account as clear from his bank statement (Annexure P-4) which has been attached by the trial Court.

Petitioner seeks anticipatory bail in case FIR No.207 dated 27.09.2018 under Section 174-A IPC, registered at Police Station Tigaon, Faridabad, District Faridabad.

Notice of motion.

Mr. Surender Singh Pannu, DAG, Haryana accepts notice on behalf of the State. Copy of the petition be supplied to State counsel during course of the day.

In the meanwhile, petitioner is directed to surrender before the trial Court along with demand draft for Rs.5 lac in favour of the complainant which shall be ultimately handed over to the complainant and which can be prepared from petitioner's ICICI Bank Account No.611505010599. The bank will allow that demand draft of Rs.5 lac to be prepared, not with standing the attachment order passed by the trial Court. The order of trial Court to that extent will stand modified. The trial Court is directed to revive the complaint under Section 138 of the Negotiable Instrument Act. In the event of his arrest, petitioner will be released on interim bail to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned, subject to the compliance of the conditions contained under Section 438(2) Cr.P.C.

List on 24.01.2019. ”

It is contended by learned Counsel for the petitioner that in pursuance of the above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Mahender Singh.

In view of above, interim order dated 02.01.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

April 10, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes