

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

CRM-M-14101-2019

Date of decision-05.07.2019

B.S.Barwala

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Vikramjit Singh, Addl.A.G.Haryana assisted by
SI Balwan Singh.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.45 dated 28.01.2019 under Section 174-A of Indian Penal Code registered at Police Station Ambala City, District Ambala. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.03.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner is a accused in a complaint case under Section 138 of Negotiable Instruments Act, 1881. Various notices were issued for service, however, the Court proceeded to declare him proclaimed offender vide order dated 31.07.2017. Learned counsel further contends that the addresses given in the complaint as well as in the

proclamation notice were not correct as the company mentioned in the said address already stood leased to accused No.2, namely, Manav Mehra.

It is further pointed out that the petitioner has already joined the proceedings during the complaint case. According to him, in the absence of the effective service of notice, the order of proclamation may not be sustainable. The petitioner also stands indicted as an accused in FIR No.45 dated 28.01.2019 under Section 174-A of IPC registered at Police Station City, District Ambala.

Notice of motion for 01.05.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Balwan Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from SI Balwan Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.03.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

05.07.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No