

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

**CRM-M No. 30921 of 2019
Date of Decision:-22.11.2019**

Shiv Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.541 dated 20.5.2019, under Section 174-A IPC, registered at Police Station City Jagadhri, District Yamuna Nagar. The petitioner apprehended his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.7.2019 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
being accused in a complaint under Section 138 of*

Negotiable Instruments Act, 1881, the petitioner had compromised the dispute with the complainant, however, subsequently, the complaint was revived and petitioner surrendered before the trial Court and was admitted on regular bail vide order dated 08.07.2019. According to him, by that time the present FIR No.541 dated 20.05.2019 already stood registered against him under Section 174-A IPC. He submits that the petitioner was not served in the complaint after revival and was not even aware of these proceedings. It is submitted that the custodial interrogation in the given facts may not be required.

Notice of motion for 22.11.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the 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 ASI Jaswant Singh does not dispute this fact that the petitioner has joined the investigation.

Learned counsel on instructions from ASI Jaswant 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 22.7.2019 is made absolute.

November 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No