

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Criminal Misc.-M-.41063 of 2019
Date of Decision: September 24, 2019.

M/s J.K.Woodcraft and anotherPetitioners
versus

State of HaryanaRespondents

[2] Criminal Misc.-M-.41088 of 2019

M/s J.K.Woodcraft and anotherPetitioners
versus

State of HaryanaRespondents

[3] Criminal Misc.-M-.41103 of 2019

M/s J.K.Woodcraft and anotherPetitioners
versus

State of HaryanaRespondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Diwan Singh Adlakha, Advocate, for the petitioners.
Mr.Anmol Malik, AAG, Haryana.

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Anil Kshetarpal, J. (Oral)

By this order, three petitions bearing Nos.CRM-M-41063 of 2019, 41088 of 2019 and 41103 of 2019 are being disposed of as all these petitions have been filed by one and the same firm.

Notice of motion.

On the asking of the Court, Mr.Anmol Malik, AAG, Haryana, accepts notice. Let a copy of each petition be handed-over to him during the course of day.

After hearing learned counsel for the parties, this Court is of the view that the present petitions can be disposed of at this stage itself.

The petitioners are accused in the complaints under Section 138

of the Negotiable Instruments Act, 1881. Petitioners were declared proclaimed offenders on 18.05.2019 which also resulted in registration of FIR Nos.820, 818 & 817 dated 27.07.2019 under Section 174-A IPC at Police Station City, Jagadhari, District Yamuna Nagar. It has been asserted that in the criminal complaint under Section 138 of the Negotiable Instruments Act, the petitioners have surrendered and admitted to bail. Through the present petitions, the petitioners pray for grant of pre-arrest bail in the aforesaid FIRs.

Although petition under Section 438 Cr.P.C. at the behest of the petitioners, who have been declared proclaimed offenders, shall not be maintainable, however, on the oral request made by learned counsel for the petitioners, these petitions are treated under Section 482 Cr.P.C.

Purpose of declaring proclaimed offender is to primarily secure the presence of the accused. The aforesaid object has already been achieved as the petitioners have surrendered before the Court and admitted to bail vide order dated 14.08.2019.

Keeping in view the aforesaid facts, the present petitions are allowed. The petitioners are directed to join the investigation. For that purpose, they shall appear before the Investigating Officer on 30.09.2019 at 10.00 a.m. At the time of joining the investigation, arrest of the petitioners shall remain stayed and the Investigating Officer shall release them on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

State shall be at liberty to move an application for variation of

CRM-M No.41063 of 2019 and connected cases

[3]

the order, if need arises.

September 24, 2019

mohinder

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No