

VIJAY KUMAR @ VIJAY GOUR**..... Petitioner.****Vs.****STATE OF HARYANA****..... Respondent.****CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Nonish Kumar, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

Prayer is for grant of anticipatory bail in case FIR No.129, dated 21.05.2017, under Section 174-A IPC, registered at Police Station Kunjpura, District Karnal.

The petitioner was declared proclaimed offender in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881, vide order dated 01.09.2016 passed by the Ld. JMIC, Karnal. Thereafter, FIR aforesaid under Section 174-A IPC has been registered against him on 21.05.2017.

It is the case of the petitioner that he is a resident of Madhya Pradesh and no personal service was ever effected on him and therefore, he was not aware of the pendency of the criminal complaint against him. As soon as the petitioner came to know about the said criminal complaint, he appeared before the trial Court and was released on bail. Thereafter, the petitioner continued to appear before the trial Court on each and every date.

The matter has been compromised between petitioner and the complainant as the entire payment has been made by the petitioner and the

said complaint under Section 138 of the Negotiable Instruments Act, 1881, has been dismissed as withdrawn vide order dated 10.11.2017 (Annexure P-4).

Ld. counsel for the petitioner argues that the petitioner has already paid the entire amount in terms of the compromise. He states that after the criminal complaint having been dismissed as withdrawn, the petitioner was under the bonafide impression that the proceedings in the FIR would be finished. It is only after the police raided the house of the petitioner for his arrest that the petitioner came to know that his presence has been directed to be secured through non-bailable warrants. He undertakes that the petitioner shall appear before the learned trial Court on any date to be fixed by this Court.

Notice of motion.

Mr. Saurabh Girdhar, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before the date fixed. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

(Harinder Singh Sidhu)
Judge

20.12.2019

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Whether speaking/reasoned: Yes / No

Whether reportable :Yes / No