

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

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**CRM-M No. 213 of 2020
Date of decision : 08.01.2020**

Ashish Nasa

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amardeep Sehoran, Advocate for
Mr. J.P.Jangu, Advocate
for the petitioner.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No. 729 dated 12.12.2019 registered under Section 174-A of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Faridabad Central, District Faridabad.

Learned Counsel for the petitioner has submitted that the petitioner could not put in appearance before the Trial Court on which he was declared as proclaimed person vide order dated 25.11.2019 and above referred FIR was also registered in accordance with the above said order. Non appearance of the petitioner was neither intentional nor deliberate and the same was due to his illness. The petitioner is ready to face the trial and comply with the terms and conditions regarding his appearance before the Court. Therefore the petitioner may be granted the concession of anticipatory bail.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. AG Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to learned State Counsel.

Learned State Counsel has opposed the bail application on the ground that the petitioner has been declared proclaimed offender vide order dated 25.11.2019 passed in criminal complaint No.NACT/7954/2018 titled 'Jagdish Setia Vs. Ashish Nasa' filed under Section 138 of the Negotiable Instruments Act, 1881 which has not been challenged. The petitioner also did not surrender before the trial Court in the complaint case as per direction of learned Sessions Judge, Faridabad. The petitioner does not deserve the grant of extraordinary relief of anticipatory bail.

I have heard learned Counsel for the petitioner and learned State Counsel and perused the record.

The petitioner was declared proclaimed person vide order dated 25.11.2019 passed in criminal complaint No. NACT/7954/2018 titled as 'Jagdish Setia Vs. Ashish Nasa'. There is nothing on record to show that the petitioner had challenged the above said order by filing any quashing petition under Section 482 of the Cr.P.C. The petitioner did not appear before the trial Court in the above said complaint case as per order passed by learned Sessions Judge, Faridabad. In view of the conduct of the petitioner and observations of Hon'ble Supreme Court in ***State of Madhya Pradesh versus Pradeep Sharma (SC) 2014(1) R.C.R. (Criminal) 269 and Lovesh Vs. State (NCT of Delhi) (SC) 2012(4) R.C.R.(Criminal)240***, I am of the considered view that the petitioner does not deserve concession of anticipatory bail. Therefore the petition is dismissed.

However, the petitioner shall join investigation by surrendering

before the concerned SHO/ Investigating officer of the case. If after such surrender the petitioner moves application for regular bail, the same shall be decided by the concerned Illaqa Magistrate expeditiously preferably within three days. The petitioner shall be at liberty to take all the pleas which have been taken in the present petition before the Trial Court which shall decide the bail application after consideration of all the facts.

08.01.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No