

Sr.No.106

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

**CRM-M-8736-2020
Date of decision:28.02.2020**

Atul Rajput @ Sonu

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Rajesh Kumar Garg, Advocate
for the petitioner.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail in FIR No. 315, dated 05.09.2017 registered under Sections 174-A of IPC at Police Station Ambala Cantt.

The petitioner was an accused in a complaint case under Section 138 of Negotiable Instruments Act, wherein he did not appear before the learned Trial Court and therefore, present FIR under Section 174-A IPC was registered against him. Although the subject matter of the complaint under Section 138 of Negotiable Instruments Act was compromised between the parties and the petitioner was acquitted from the allegations against him but the proceedings under Section 174-A IPC continued in which he committed default and did not appear before the learned Trial Court and thereafter, non-bailable warrants were issued against him. He thereafter, filed an application for anticipatory bail before the learned Additional Sessions Judge, Ambala by asserting the he could not come present in the Court on 24.01.2019 as he was deputed in Kumb Mela

of 2019 and therefore, his non-appearance was bonafide. Learned Additional Sessions Judge, Ambala vide Annexure P-2 considering the assertion made by the petitioner and in order to avoid any further delay in the trial and keeping in view the undertaking furnished by the learned counsel for the petitioner, it was directed that in case the applicant-accused surrenders / appears before the learned Trial Court / Duty Magistrate on the date fixed i.e. 12.06.2019 and files and application for bail, the application shall be disposed of on the very same day by the learned Trial Court / Duty Magistrate on its satisfaction and that during this time the non-bailable warrants issued against the petitioner shall not be executed. This order was passed by the learned Additional Sessions Judge, Ambala (Annexure P-2) on 11.06.2019.

Learned counsel for the petitioner has submitted that despite the concession granted by learned Additional Sessions Judge, Ambala he did not appear on next date of hearing i.e. 12.06.2019 and has now filed present petition for grant of anticipatory bail.

After hearing the learned counsel for the petitioner, I do not find any ground to interfere in the present petition in view of the fact that earlier learned Additional Sessions Judge, Ambala had already granted concession to the petitioner to appear on 12.06.2019 and with an observation that in case he files an application for bail then the same shall be disposed of on the very same day and even non-bailable warrants issued against him were also directed to be not executed during the time period given by the learned Additional Sessions Judge, Ambala. Petitioner did not appear on 12.06.2019 and almost 08 months have elapsed thereafter and the petitioner is still at large. The petitioner while filing the petition for

anticipatory bail, is required to make out a case for the grant of extra-ordinary concession of anticipatory bail. In the present case, he was already granted concession by the learned Additional Sessions Judge, Ambala with his undertaking that he would appear on 12.06.2020 but he failed to do so and still 08 months period have elapsed he has not surrendered. Therefore, in view of the facts and circumstances of the present case, it do not find any ground to interfere in the present petition. Therefore, present petition is dismissed.

28th February, 2020

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*