

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

137

CRM-M-9953 of 2020

Date of decision : 05.03.2020

Vinod Kumar Khosla and another

... Petitioners

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR.JUSTICE RAMENDRA JAIN

Present : Mr.Sarfraj Hussain Advocate
for the petitioner.

Ramendra Jain, J. (Oral)

Through instant petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.1045 dated 15.11.2019 under Sections 174-A of the Indian Penal Code, registered at Police Station City Panipat, Panipat.

Learned counsel for the petitioners contends that the petitioners were never effectively served by the trial court before proceeding against them under Section 82 Cr.P.C. and lodged FIR under Section 174-A against them. The petitioners came to know of the aforesaid fact when the police approached the petitioners to arrest them.

Considering the submissions made by learned counsel for the petitioners, this Court finds that the instant petition is completely devoid of any merit for the reasons to follow:-

1. In every complaint under Section 138 of the Negotiable Instruments Act, an accused just to delay the proceedings by hook and crook, adopts all possible methods to evade his service.
2. In the instant case, the petitioners were summoned in a complaint under Section 138 of the Negotiable Instruments Act, filed against them in the year 2018.

When the trial court failed to secure their presence it initiated proceedings against the petitioners under Section 82 Cr.P.C. Still, when the trial Court could not secure the presence of petitioners, it finding no option, got registered the impugned FIR under Section 174-A, IPC.

3. The trial is unnecessarily held up since, 2018 on account of non-appearance of the petitioners before the trial court.
4. The petitioners can take all available pleas raised in this petition, before the trial court.

Dismissed.

The petitioners are directed to appear before the trial court within ten days from today and move a fresh bail application which shall be decided by the trial court on merits.

[RAMENDRA JAIN]
JUDGE

05.03.2020

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No