

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-14697 of 2020

Date of Decision: June 10, 2020

Prashant Saraogi

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Manish Soni, Advocate
for the petitioner

Mr. Munish Sharma, AAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in Criminal Complaint No. 25730 dated 30.07.2018 titled as “Satish vs. M/s Sat India Limited and another” registered under Section 138 read with Sections 141 and 142 of the Negotiable Instruments Act, 1881.

The petitioner is an accused in the aforementioned complaint case and was granted bail by the trial Court on 05.04.2019. However, the conditions of bail were not fulfilled as surety bond was not submitted. The petitioner failed to furnish surety bond on three consecutive subsequent dates as well and thereafter sought exemption from personal appearance on one pretext or the other. Ultimately, vide order dated 27.11.2019, the trial Court cancelled the bail of the petitioner and issued non-bailable warrants for 21.01.2020.

Learned counsel for the petitioner submits that the petitioner was unable to furnish the surety bond on three subsequent and consecutive dates as the concerned Court was on leave. The petitioner undertakes to furnish the surety bond tomorrow itself and, thus, his arrest may be stayed.

The contention is misconceived. If the concerned Court was on leave on three subsequent dates, the petitioner could have furnished surety bond before the Duty Magistrate. The explanation sought to be given is not acceptable. Assuming, that the petitioner was unable to furnish surety bond on account of the concerned Court being on leave, there is no explanation of not having furnished surety bond on the subsequent dates as mentioned in the impugned order dated 27.11.2019. Moreover, even after issuance of non-bailable warrants for 21.01.2020, the petitioner has avoided arrest for about five months before approaching this Court.

Thus, I see no valid ground for grant of anticipatory bail to the petitioner. The petition is, accordingly, dismissed.

However, the petitioner shall be at liberty to surrender before the trial Court/Duty Magistrate within seven days from today and seek regular bail. In case, he does so, the trial Court/Duty Magistrate shall decide his bail application within seven days of filing of the application.

June 10, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No