

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17523 of 2020

Date of Decision: 17.08.2020

Bhagwan Dass @ Tony

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl. AG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

On 06.07.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.32, dated 12.003.2020, having been registered at Police Station Phul, District Bathinda, alleging therein the commission of an offence punishable under Section 174-A of the IPC, 1860.

Learned counsel for the petitioner submits that the petitioner infact was in custody from 16.04.2019 to 08.06.2020, in connection with another criminal case registered against him under the provisions of Section 420 etc. of the IPC, in which case he was admitted to bail by this Court, upon filing CRM-M-44996-2019 (vide

the order Annexure P1).

He submits that in the meanwhile he had been issued summons in a criminal complaint filed under the provisions of Section 138 of the Negotiable Instruments Act, 1882, and as is obvious from the order of the learned Additional Sessions Judge, Phul, District Bathinda, dated 26.06.2020 (copy Annexure P-4), that though the petitioner had been issued summons in that complaint case on 24.05.2018, he was never actually served of the summons and consequently, he has infact been admitted to bail by that Court, vide the said order.

He submits that, therefore, his petition seeking the concession of bail upon the FIR question having been registered against him alleging therein the commission of an offence punishable under Section 174-A of the IPC, has been wholly erroneously/illegally dismissed on June 30, 2020.

Notice of motion.

Mr.Pawan Sharda, Senior Deputy Advocate General, Punjab, accepts notice of the petition at the asking of the Court. A copy of the petition be e-mailed to Mr. Sharda by learned counsel for the petitioner today itself, with two copies of the petition to be supplied to the office of the Advocate General, Punjab.

In view of the fact that even the learned Additional Sessions Judge, Bathinda, who was seized of the petitioner's bail application in the context of the criminal complaint registered against him under the provisions of Section 138 of the Negotiable Instruments Act, has commented that the petitioner was never actually served of the summons issued to him in that case, the petitioner is directed to surrender within one week before the learned Additional Session Judge, Bathinda, in the context of the FIR registered against him under the provisions of Section 174-A of the IPC, and upon him so surrendering he would be admitted to bail, upon his furnishing adequate bail and surety bonds to the the satisfaction of that Court, till the next date of hearing in this petition, before this Court.

Adjourned to 17.08.2020.

Today, learned counsel for the petitioner as also for the State, submit that the petitioner has surrendered before the court of the learned Additional Sessions Judge, Bathinda, on July 13, 2020, and has been admitted to interim bail by that court, on furnishing of bail and surety bonds to his satisfaction.

That being so, for the reasons already given in the aforesaid order of this court, this petition is allowed, with the said order made absolute.

August 17, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No