

CRM-M-20681-2020

Date of decision: 31.07.2020

Raj Kumar

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Lalit Kumar Yadav, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Learned counsel for the petitioner states at the bar that the petitioner-Raj Kumar has appeared before the concerned Court in the complaint under Section 138 of the Negotiable Instruments Act.

The petitioner-Raj Kumar who is accused in complaint under Section 138 of the Negotiable Instruments Act bearing No. COMA/656/2017 titled as 'Mohinder versus Raj Kumar' pending before the Court of the learned JMIC, Bhiwani, did not put in appearance before the concerned Court and in pursuance of order dated 21.01.2020 has been declared as a proclaimed offender with

directions to register a fresh case under Section 174-A of the Indian Penal Code.

Apprehending arrest in this case, the petitioner has sought this first anticipatory bail application under Section 438 Cr.P.C.

Upon hearing learned counsel for the petitioner, the learned State counsel and on perusal of the records, admittedly, the petitioner has surrendered in the main case under Section 138 of the Negotiable Instruments Act, in light of the statement made by the counsel for the petitioner, before this Court, in compliance of order of this Court passed on 28.07.2020.

Since, the petitioner had appeared before the concerned Court in the main case and sending him behind the bars would be travesty of justice, the present petition is allowed, thus, culpability, if any, shall be determined at the time of trial.

Accordingly, the present petition is allowed subject to appearance of the petitioner before the learned Trial Court in this case on the next date of hearing.

The petitioner shall abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The petition stands disposed off accordingly.

31.07.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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