

S.No.105

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

CRM-M-26868 of 2020 (O&M)

Date of Decision:09.09.2020

Mukhtiar Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.32 dated 24.01.2020 registered under Section 174-A IPC at Police Station Civil Lines, District Karnal.

It is contended by counsel for the petitioner that the case against the petitioner is registered because of the circumstances which were beyond the control of the petitioner. The petitioner was declared Proclaimed Person in the main criminal complaint under Section 138 of Negotiable Instruments Act. However, the petitioner was not even aware of those proceedings. The petitioner was never served with any summons or warrants issued by the Court. The serving police official had misled the Court and got an order of declaring the petitioner as Proclaimed Person. However, immediately after coming to know of the fact that the Court had declared the petitioner as a Proclaimed Person, he himself had surrendered before the trial Court in the main case. But before that, pursuant to the above-said order, the present FIR had already been registered against him. Still further, it is submitted that once the petitioner had already

surrendered before the Court and was granted bail in the main case, there is no reason or occasion for taking the petitioner in custody once again in the present case. The petitioner is not required for any investigation purposes.

Notice of motion.

Mr. R.S. Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, being instructed by HC Ravinder Singh, has submitted that the petitioner had absented from the proceedings in the main criminal complaint despite having been served with the summons issued by the Court. The petitioner was duly declared as Proclaimed Person after the serving constable had reported to the Court qua service upon the petitioner. However, it is not disputed that subsequently, the petitioner had surrendered before the trial Court and, thereafter, he was released on bail by the trial Court in the main case.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

September 09, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No