

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 38723 of 2020
Date of Decision: 24.11.2020**

Akbar Nabi Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail in FIR No. 701 dated 24.10.2019 under Section 174-A IPC registered at Police Station Surajkund, District Faridabad.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he had issued a cheque of Rs. 52,000/- as rent of the flat, on behalf of his father, to complainant Rekha Singh, who is the owner of the said flat. However, when the said cheque was presented for encashment, the same was dishonoured and the complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed against the petitioner and his father and during the pendency of the said complaint, the petitioner was declared proclaimed offender on 17.8.2019. Learned counsel further submits that the cheque amount is Rs. 52,000/- and the petitioner is ready to deposit 30,000/- by way of two demand drafts. He has placed on record photocopy of two demand drafts dated 18.11.2020 amounting to Rs. 15,000/- each as Annexure P-2.

Notice of motion.

On the asking of the Court, Mr. Apoorv Garg, DAG, Haryana accepts notice on behalf of the State. He has pointed out that it is the second time the petitioner has been declared a proclaimed offender in the proceedings under Section 138 of the Negotiable Instruments Act, 1881.

I have heard the learned counsel for the petitioner and the learned State counsel.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court within 10 days from today. On doing so, he shall be released on bail subject to his furnishing fresh bail bond/surety bonds to the satisfaction of the trial Court and further subject to his depositing costs of Rs. 10,000/- with the Poor Patient Welfare Fund, PGIMER, Chandigarh. On the first appearance, the petitioner would deposit the demand drafts, amounting to Rs. 15,000/- each, with the trial Court and the trial Court would hand over the said demand drafts to the complainant or her counsel.

(HARNARESH SINGH GILL)
JUDGE

November 24, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No