

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

206

**CRM-M NO. 54437 of 2019
Date of decision : 07.01.2020**

NAVEEN AHLUWALIA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for respondent-State.

Mr. V.B. Aggarwal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No. 1431 dated 28.11.2019 registered under Section 174-A of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Jagadhari, District Yamuna Nagar.

The application has been opposed by learned State Counsel. However no reply has been filed by the State.

Mr. V.B. Aggarwal, Advocate has appeared on behalf of the complainant and filed his power of attorney which is taken on record.

Learned Counsel for the petitioner has submitted that the petitioner has already appeared before the Trial Court in the complaint case No. NIA-576-2015 titled as M/s Garg Traders versus M/s Ahluwalia Bottling Company filed under Section 138 of the Negotiable Instruments

Act, 1881 before the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari and has been granted bail. The petitioner is ready to appear before the Trial Court and join the investigation and undertakes to abide by all the terms and conditions. Therefore the petitioner may be ordered to be released on anticipatory bail.

Learned State Counsel assisted by learned Counsel for the complainant has submitted that the petitioner having been declared proclaimed person is not entitled to grant of anticipatory bail. In support of his arguments learned State Counsel has placed reliance on the observations in ***Lovesh Vs. State (NCT of Delhi) (SC) 2012(4) R.C.R.(Criminal) 240 and State of Madhya Pradesh versus Pradeep Sharma (SC) 2014(1) R.C.R. (Criminal) 269 and Order dated 12.09.2019 passed by Single Bench of this Court in CRM-M 34058-2019(O&M) titled as Naveen versus State of Haryana.***

The petitioner was declared as proclaimed person vide order dated 14.06.2016 passed in complaint case No. NIA-576-2015 titled as M/s Garg Traders versus M/s Ahluwalia Bottling Company. Present FIR was registered in accordance with the above said order. Mere subsequent appearance of the petitioner in the above said complaint case and grant of bail to him does not entitle him to grant of anticipatory bail in the present case which is distinct and separate offence. In view of the conduct of the petitioner and observations of Hon'ble Supreme Court in ***State of Madhya Pradesh versus Pradeep Sharma (SC) 2014(1) R.C.R. (Criminal) 269 and Lovesh Vs. State (NCT of Delhi) (SC) 2012(4) R.C.R.(Criminal)240***, I am of the considered view that the petitioner does not deserve concession of

anticipatory bail. Therefore the petition is dismissed.

However, the petitioner shall join investigation by surrendering before the concerned SHO/ Investigating officer of the case. If on such surrender the petitioner moves application for regular bail, the same shall be decided by the concerned Illaqa Magistrate expeditiously preferably within three days. The petitioner shall be at liberty to take all the pleas which have been taken in the present petition before the Trial Court which shall decide the bail application after consideration of all the facts.

07.01.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No