

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

Sr. No.202

CRM-M-18696-2020 (O&M)

Date of decision: 01.11.2021

Poonam Kaushik

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Aman Dhir, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. L.R. Sharma, Advocate, for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.202 dated 28.05.2020, registered under Section 174-A IPC at Police Station Quilla Panipat, District Panipat.

The petitioner is being prosecuted for having been declared a proclaimed person in proceedings initiated against her by the complainant under Section 138 of the Negotiable Instruments Act, 1881 (for short – the Act).

Learned counsel for the petitioner submits that in the proceedings instituted by the complainant against the petitioner under Section 138 of the Act, she had initially appeared before the Trial Court; thereafter, since the matter between the petitioner and the complainant was settled, on legal advise, she absented from Court proceedings; the notice of proclamation was never served upon the petitioner and in this regard the attention of the Court was drawn to the reports by the process server as also the interim orders passed by the Trial court (Annexures P-2 to

P-8); to show her bonafides, under orders of this Court, the petitioner had deposited Rs.50.000/- i.e. double the amount in question in the proceedings pending against her under the Act and that under orders passed by this Court, the petitioner had appeared before the Trial Court and on such appearance was admitted to interim bail.

Learned counsel for the petitioner further undertakes on behalf of the petitioner that in future she would appear before the Trial Court on all dates, unless specifically exempted.

After considering the above bonafides shown by the petitioner and because she is a Government Servant as also for the reason that in the main complaint filed by the complainant under the Act, on deposit of Rs.50,000/- i.e. double the cheque amount, the Trial Court through its order dated 19.03.2021 has acquitted the petitioner from all charges levelled against her, this Court has no hesitation to grant to the petitioner the concession of anticipatory bail especially when the learned State counsel acknowledges that the petitioner has joined the investigation and cooperated with the same.

In view of the above, the interim order of this Court dated 17.07.2020, granting ad-interim anticipatory bail to the petitioner is ordered to be made absolute.

The amount of Rs.50,000/- deposited by the petitioner with the Registry of this Court, be released to her.

November 01, 2021
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No