

217(A)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30060-2021

Date of Decision: 10.09.2021

Rajan Grover

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Karanvir Hooda, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.1412 dated 16.12.2020 registered under Section 174-A IPC at Police Station Shivaji Nagar, District Gurugram.

2. On 30.07.2021, the following order was passed:-

Learned counsel for the petitioner has pointed out that during the pendency of the appeals against the judgments of conviction and orders of sentence for commission of offence under Section 138 Negotiable Instruments Act, 1881 arising from two separate complaints, the petitioner (convict) absented, who was later on declared as proclaimed person vide order dated 24.02.2020. According to her, in this regard, two FIRs bearing Nos. 1411 and 1412 dated 16.12.2020 were registered under Section 174-A IPC. She has further submitted that the dispute with the complainant stands compounded before the Hon'ble Supreme Court of India and in the connected FIR No.1411, the arrest of the petitioner has been stayed vide order dated 22.07.2021 (Annexure P-3).

Notice of motion for 13.08.2021.

Meanwhile, the petitioner shall join the investigation and would

come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-28435-2021.

At this stage, Mr. Himanshu Bajaj, Advocate appears on behalf of the complainant.

3. Thereafter on 13.08.2021, the following order was passed :-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned State Counsel states that despite order of this Court dated 30.07.2021 (in CRM-M No.30060 of 2021), the petitioner has failed to join investigation.

Faced with the afore aforementioned situation, learned Senior Counsel assisted by Mr. S.K. Hooda, Advocate appearing on behalf of the petitioner requests for one more opportunity for the petitioner to join investigation.

Adjourned to 10.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police in terms of order dated 30.07.2021 (in CRM-M No.30060 of 2021), failing which the interim protection granted to the petitioner shall stand vacated. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C.

Photocopy of this order be placed on the file of the connected case.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from HC Nitin Kumar, confirms that pursuant to the order of this Court dated 13.08.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required and that in the circumstances, he does not wish to file reply.

5. In view of the statement of learned State counsel, order dated 13.08.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

10.09.2021
rajesh

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