

Subhodh Kumar Tyagi

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Narender Kumar Sharma, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

None for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.170, dated 04.02.2020, having been registered at Police Station City, Panipat, alleging therein the commission of an offence punishable under the provisions of Section 174-A of the IPC.

On 17.09.2021, the following order had been passed by this court:-

“Case heard via video conferencing.

In reply to the petition, an affidavit of the DSP, City, Panipat, dated 8.9.2021, has been filed, which is ordered to be taken on record.

It is stated in the said affidavit that the petitioner had joined investigation and was released on furnishing adequate security bonds, with a direction also issued to make himself available at the time that the report under Section 173 of the Cr.P.C. was submitted to the competent court.

However, it is to be noticed that, as has been pointed out by Mr.Sanjiv Gupta, learned counsel appearing for the respondentcomplainant, the specific direction of this court was that the petitioner was to furnish before the trial court

security by way of a bond executed in respect of immovable property for payment of the amount of the cheque in question, to the satisfaction of that court.

Learned counsel for the petitioner submits that bond/surety has also been given by the petitioner in respect of property worth Rs.30.00 lakhs, with the amount of the cheque being Rs.8.00 lakhs.

Learned counsel for respondent no.2 seeks time to determine the correctness of that contention.

Adjourned to 28.9.2021.

Interim order to continue.

To be shown in the urgent motion list.”

Today, on the first call of this case an associate of Mr. Sanjiv Gupta, counsel for respondent no.2, had appeared but had been unable to address arguments and had sought a pass over.

On second call now, neither he nor Mr.Gupta is present.

Learned State counsel submits that as per the copy of the order passed by the trial court, as has been circulated by learned counsel for the petitioner on the “Whatsapp” group of this video conference, the petitioner would seem to have furnished the surety bonds.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 09.08.2021, admitting the petitioner to interim bail, made absolute on the same terms and conditions.

September 28, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO