

CRM-M-32558-2021

Date of Decision : 01.09.2021

Narinder Singh

...Petitioner

versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. R.K. Agnihotri, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 251 dated 04.05.2021 registered under Section 174-A IPC at Police Station Civil Lines, Karnal, District Karnal.
3. On 12.08.2021, the following order was passed:-

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

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.251 dated 04.05.2021 registered under Section 174-A IPC at Police Station Civil Lines, Karnal, District Karnal.

Learned counsel contends that the petitioner was declared a proclaimed person vide order dated 08.01.2020, by the learned JMIC, Karnal, whereupon FIR (i.e. FIR No.251 dated 04.05.2021 under Section 174-A IPC was registered against the petitioner at Police Station

Civil Lines, Karnal, District Karnal). Learned counsel contends that immediately on coming to know of his having been declared as a proclaimed person, the petitioner surrendered before the learned trial Court in the complaint case under Sections 138 & 142, Negotiable Instruments Act before this Court and filed an application for bail, which was accepted and petitioner was admitted to bail on his furnishing bail bonds in the sum of Rs.1 lac with one surety in the like amount to the satisfaction of the Court, vide order dated 06.07.2021 by the learned JMIC(D), Karnal and the case was adjourned to 18.08.2021 for further proceedings.

Learned counsel contends that on coming to know of the registration of FIR No.251 dated 04.05.2021 under Section 174-A IPC against the petitioner at Police Station Civil Lines, Karnal, District Karnal, the petitioner filed a petition under Section 438 Cr.P.C. for grant of anticipatory bail but the learned Addl. Sessions Judge, Karnal, dismissed the same on 06.08.2021 without referring to the plea of the petitioner that he had already surrendered before the learned trial Court on 06.07.2021 and been admitted to bail and further that although the petitioner had been declared a proclaimed person, the learned Addl. Sessions Judge took into account the reply of the prosecution of the petitioner having been declared a proclaimed offender vide order dated 28.01.2021.

Learned counsel for the petitioner contends that once the petitioner has surrendered before the learned trial Court and undertakes to appear before the learned trial Court on each and every date, he is entitled to the grant of pre-arrest bail.

Notice of motion.

Mr. Sandeep Singh Mann, learned Addl. AG, Haryana, accepts notice and on instructions from ASI

Jatinder Singh confirms the factual position as noted above and concedes that the petitioner was only declared a proclaimed person, vide order dated 08.01.2020 passed by the learned Judicial Magistrate, 1st Class, Karnal and that there is no order dated 28.01.2021 declaring the petitioner as proclaimed offender. He however contends that although, no recovery is to be made from the petitioner yet he may be directed to join investigation.

Adjourned to 01.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail till the next date, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Sunil Kumar* confirms that pursuant to the order of this Court dated 12.08.2021, 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.

5. In view of the statement of learned State counsel, order dated 12.08.2021, 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.

01.09.2021

“Rajneesh/Amit”

Whether speaking/ reasoned

Whether reportable

:

:

Yes/No

Yes/No

(B.S. Walia)
Judge