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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40213-2021

Date of decision 08.10.2021

Harjit Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Ms. Dimple Jain, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

[2] This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 139, dated 15th March, 2021 under Section 174A IPC, registered at Police Station Hisar City, District Hisar.

[3] Brief facts of the case are that a complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed against the petitioner. He was declared as Proclaimed Offender on 31st August, 2019 and since then he was absconding.

[4] Learned counsel for the petitioner submits that there was no proper compliance of Section 82 of Cr.P.C. Petitioner was not aware of the proceedings of the complaint, to show his *bonafide*, he is ready to deposit the amount of Rs. 3,60,000/- (amount of the cheque) within 15

days, with the trial Court subject to outcome of the trial.

[5] Learned State counsel opposes the prayer and submits that petitioner is intentionally delaying the proceedings.

[6] The machinery provisions provided in the Code of Criminal Procedure are to ensure the presence of the accused as and when required during the trial. The idea behind is that there should be speedy conclusion of the trial. The offer made by the petitioner, if accepted, will ensure the presence of the accused during the trial.

[7] Considering the facts in totality and offer made by the petitioner, the petitioner is granted anticipatory bail subject to depositing Rs. 3,60,000/- before the trial Court within fifteen days from today. The amount deposited shall be kept in an FDR with any nationalized bank and would be subject to outcome of the trial.

[8] In case, the petitioner fails to appear before the trial Court as and when called for, the amount deposited shall be forfeited.

[10] Disposed of.

[11] However, it is clarified that in case of failure of petitioner to appear before the trial Court or to deposit the aforesaid amount within stipulated time, this order shall automatically be vacated without reference to this Court.

[AVNEESH JHINGAN]
JUDGE

8th October, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No