

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

CRM-M-51334-2021

Date of decision: 09.12.2021

Meenakshi

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. U.K.Agnihotri, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.313 dated 31.12.2019, registered at Police Station Sector 14, Panchkula, under Section 174-A IPC.

Learned counsel for the petitioner contends that in a complaint filed by Sonia Berwal under Section 138 of the Negotiable Instruments Act, 1881, the petitioner was declared a proclaimed offender, following which the above-noted FIR had been registered, and that in the aforesaid complaint case, vide order dated 13.01.2020 passed by a Coordinate Bench, the petitioner was directed to appear before the trial Court and on her doing so, she was ordered to be released on interim bail on her furnishing the bail bonds. He further contends that in pursuance of the aforesaid order dated 13.01.2020, the petitioner had appeared before the trial Court and been released on bail. The petitioner is now regularly appearing before the trial court. Learned counsel further

contends that the petitioner had wrongly been declared a proclaimed offender without following the due procedure.

Notice of motion.

On the asking of this Court, Mr. Surender Singh, AAG, Haryana, accepts notice on behalf of the respondent-State.

Keeping in view the fact that the petitioner has already appeared before the trial Court in the complaint case in which she was declared proclaimed offender, but without expressing any opinion on the merits of the case, this Court finds that the petitioner is not required for custodial interrogation and no useful purpose would be served by sending her to custody. Therefore, finding merit in the present petition, the same is allowed. The petitioner is directed to join investigation as and when called upon to do so and if she is sought to be arrested, she shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be liberty to move an appropriate application for cancellation of bail.

09.12.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No