

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

**CRM-M-52153-2021
Date of decision: 14.12.2021**

Virsa Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 565 dated 22.11.2021 registered under Section 174-A IPC at Police Station City Tohana, District Fatehabad.

Learned senior counsel for the petitioners submits that the petitioners are involved in two similar FIRs and in another FIR No. 540 dated 06.11.2019, the following order has been passed on 27.10.2021 in CRM-M-44687-2021:

“Learned senior counsel for the petitioners has argued that the petitioners were implicated in 02 FIRs registered under Section 174-A IPC. It is further submitted that in FIR No.474 dated 30.09.2021 registered at Police Station City Tohana, the Additional Sessions Judge, has granted the concession of anticipatory bail to the petitioners vide order dated 14.10.2021, however, on similar circumstances when the present FIR No.540 was registered, the anticipatory bail has been dismissed. It is also argued that the petitioner was

never served with the summons of criminal complaint filed under Section 138 of the Negotiable Instruments Act, titled as M/s. Sach Diary vs Harman Milk Foods Limited and therefore, he had no knowledge about the pendency of the aforesaid petition and he has wrongly been declared as proclaimed offender and simultaneously, the proceedings under Section 174-A IPC has been initiated. Lastly, it is argued that the petitioner has already appeared in the proceedings under Section 138 of the Negotiable Instruments Act and he has been granted the concession of bail. Counsel for the State could not dispute the factual position. In view of the above, the present petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:- 1. They shall make themselves available for interrogation by a police officer as and when required; 2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. They shall not leave India without previous permission of the Court.”

Learned senior counsel further submits that the petitioners have already appeared in the proceedings under Section 138 N. I. Act and have been granted the concession of bail.

Learned State counsel could not dispute the factual position.

In view of the above, the present petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*

2. *They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
3. *They shall not leave India without previous permission of the Court.*

14.12.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>