

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

204

CRM-M-3787-2021 (O&M)

Date of decision: 27.05.2022

PAWAN KUMAR

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. SK Tripathi, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

Mr. Manoj Kumar Sood, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

This order shall dispose of a bunch of petitions i.e. CRM-M-6063-2021 (O&M), CRM-M-5992-2021 (O&M), CRM-M-6079-2021 (O&M), CRM-M-5994-2021 (O&M), CRM-M-5395-2021 (O&M), CRM-M-6122-2021 (O&M), CRM-M-5397-2021 (O&M), CRM-M-5405-2021 (O&M), CRM-M-5458-2021 (O&M), CRM-M-5457-2021 (O&M), CRM-M-5412-2021 (O&M), CRM-M-5478-2021 (O&M), CRM-M-5460-2021 (O&M), CRM-M-5501-2021 (O&M) and CRM-M-26761-2021 (O&M), as an identical issue is involved therein. However, for the facility of reference, facts are taken from CRM-M-3787-2021.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.122 dated 05.04.2020, registered under Section 174-A IPC, at Police Station Kheri Pul, District Faridabad.

In a complaint filed by the complainant/respondent No.2, the petitioner had absented himself from the proceedings, resulting into the cancellation of his bail bonds and the proclamation being issued against him by the trial Court on 30.11.2019. Ultimately, the petitioner was declared a proclaimed person vide order dated 17.03.2020. As a consequence, an FIR under Section 174-A IPC was registered against the petitioner.

Vide order dated 28.01.2021 passed by a Coordinate Bench of this Court, it was ordered that any coercive process issued against the petitioner shall remain stayed.

Learned counsel for the petitioner submits that out of the total outstanding amount of Rs.56,00,000/- in all the complaint cases, the petitioner has already paid Rs.46,00,000/- to the complainant and that he is ready to pay the remaining amount of Rs.10,00,000/- within a period of six months.

On the other hand, while opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel assisted by learned counsel for the complainant submits that the petitioner had intentionally absented himself from the proceedings before the trial Court and, therefore, he is not entitled to grant of any indulgence. They, however, do not dispute the factum of the payment of Rs.46,00,000/- by the petitioner to the complainant.

I have heard the learned counsel for the parties.

Indisputably, in the complaint case(s), major amount of Rs.46,00,000/- stands paid by the petitioner to complainant-respondent No.2 (therein) and the petitioner is ready to pay the remaining amount. CRM-M-3873-2021 and other connected cases, have been disposed of vide an order of even date, granting the petitioner six months' time to make payment of the remaining amount and directing the petitioner to appear before the trial Court within a month from today and further directing trial Court to release him on bail.

As the present case arises out of an FIR under Section 174-A IPC registered due to the petitioner being declared a proclaimed offender in the complaint case under Section 138 of the Negotiable Instruments Act, this Court does not find any justification in sending the petitioner behind the bars, especially when in the said complaint case, the petitioner has undertaken to pay the remaining amount to the complainant.

In view of the above, the present petition is disposed of with a direction to the petitioner to appear before the trial Court, within a month from today and on his doing so, the trial Court is directed to release him on bail subject to his furnishing fresh bail/surety bonds to its satisfaction.

However, it is made clear that the petitioner shall pay the remaining amount of Rs.10,00,000/- within a period of six months from today, failing which the prosecution or the complainant would be at liberty to move an appropriate application for recalling this order.

27.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No