

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5035-2022

Date of decision : 7.2.2022

Anish Bansal

..... Petitioner (s)

Versus

State of Haryana and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. S.K. Bishnoi, Advocate
for petitioner.

Mr. Saurabh Girdhar, AAG Haryana.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail in case FIR No. 22 dated 27.1.2021 registered under Section 174 A IPC at Police Station Civil Lines, Bhiwani, District Bhiwani. The petitioner has also prayed for quashing the order dated 25.2.2020 whereby he has been declared a proclaimed person.

Respondent No. 2 had instituted a complaint under Section 138 of Negotiable Instruments Act, 1881 against petitioner for dishonour of cheque for an amount of Rs. 173000/-. When the petitioner did not appear despite the summons, proclamation proceedings were initiated against him and he was declared a proclaimed person vide order dated 25.2.2020. Consequently, FIR No. 22 dated 27.1.2021 under Section 174 A IPC was also registered against petitioner.

Learned counsel for petitioner has contended that petitioner has left his home in the year 2019 and returned only after 3 years. He states that he had no knowledge of the filing of complaint against him. He did not receive any summons for appearance in the said case. He states that it can never be the intention of petitioner to avoid the process of Court. The petitioner is ready and willing to appear before the Court to face trial.

Accordingly, the petitioner may appear before trial Court on or before 1.3.2022. On his appearance before trial Court, he shall be released on interim bail by trial Court to its satisfaction. This shall however be subject to deposit of an amount of Rs. 10000/- (Rupees ten thousand only) as costs payable to complainant and Rs. 10000/- (Rupees ten thousand only) as costs payable to State in the account of Haryana Police Welfare Fund through DGP Headquarters. He shall also furnish an undertaking that he would appear before the Court as and when directed.

(HARINDER SINGH SIDHU)
JUDGE

7.2.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No