

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7451-2022

Date of Decision: 7.7.2022

Sagar Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. R.S.Mamli, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

Counsel for the petitioner submits that the petitioner has joined the proceedings in the trial Court in light of order of interim bail passed by this Court.

Counsel for the petitioner further contends that even otherwise, impugned order whereby the petitioner was declared as proclaimed person in a criminal complaint filed under Section 138 of Negotiable Instruments Act was not passed in consonance with the provisions of Section 82 Cr.P.C. He further made prayer that the present petition be allowed accordingly.

State counsel on instructions from SI Raj Kumar has not disputed the fact regarding joining of proceedings by the petitioner before the trial Court on the basis of the order of interim bail passed by this Court.

On the last date of hearing, this Court observed that from the perusal of the copies of orders dated 24.7.2018, 3.8.2018 and 21.8.2018 passed by the trial Court, it is apparently clear that mandatory period of 30

days provided under Section 82 Cr.P.C. to the petitioner to appear before the Court concerned from the date of publication of proclamation, was not provided by the trial Court, meaning thereby, that the impugned order was not passed in accordance with the provisions of Section 82 Cr.P.C.

Admittedly, offence under Section 138 of Negotiable Instruments Act is bailable offence and the petitioner has already joined the proceedings before the trial Court.

In view of above, present petition is allowed and impugned order is hereby set aside and order of interim bail dated 22.3.2022 is hereby made absolute subject to the condition that the petitioner should appear in the trial Court on each and every date of hearing.

(KARAMJIT SINGH)
JUDGE

July 7, 2022
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No