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

**CRM-M-11678-2020
Date of Decision: 01.02.2022**

Gurjeet Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sahil Chaudhary, Advocate, for
Ms. Sunita Nambiar, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed on behalf of the petitioner under Section 438 of the Cr.P.C. for grant of anticipatory bail in respect of FIR No.55, dated 12.02.2020, under Section 174-A of the IPC, registered at Police Station Mulana, District Ambala.

Learned counsel for the petitioner argues that the petitioner was wrongly proceeded against as he was not even served in the complaint which was filed against him under Section 138 of the Negotiable Instruments Act (for short 'the N.I. Act'). Learned counsel also submits that keeping in view the order passed by a co-ordinate Bench of this Court on 19.03.2020, the petitioner has already joined the proceedings in respect of

the complaint filed against him under Section 138 of the N.I. Act and has been extended the concession of regular bail by the learned trial Court. He further submits that keeping in view the said fact, as nothing is to be recovered from the petitioner in respect of the allegations alleged in the present FIR, i.e. FIR No.55, dated 12.02.2020, the petitioner intends to join the proceedings in respect of the present FIR as well and he may kindly be protected.

Learned State counsel, on instructions from Head Constable Sandeep Kumar, submits that the petitioner has already joined the proceedings in respect of the complaint filed against him under Section 138 of the N.I. Act and concedes the factum that nothing is to be recovered from the petitioner in respect of the allegations alleged against him in the present FIR, but states that his conduct is such that he was evading the process of law, and therefore, the relief being claimed by him in the present petition may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that grievance of the petitioner is that he was never served in respect of the complaint filed against him under Section 138 of the N.I. Act before he was declared a proclaimed offender, though the said fact is yet to be proved but as he has already joined the said proceedings and has also been extended the concession of regular bail by the learned trial Court, coupled with the fact that he is ready to join the proceedings before the competent Court of law in respect of the present FIR as well, it is directed that in case the petitioner joins the proceedings before the competent Court of law in respect of the present FIR, he be extended the

concession of anticipatory bail subject to its satisfaction.

In view of the above, the present petition is allowed.

01.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes

2. Whether reportable: No