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

CRM-M-21704-2022

Date of decision : 19.05.2022

Vikrant Ahuja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vimal Kumar Gupta, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.333 dated 07.04.2022 registered under Section 174-A of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station HTM, Hisar.

Learned counsel for the petitioner has submitted that in the proceedings under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as “the Act of 1881”), the petitioner was declared as proclaimed person vide order dated 29.03.2022 (Annexure P-9) and a direction was also given to register the present FIR under Section

174-A of the IPC. It is further submitted that the petitioner has been granted regular bail in the proceedings under Section 138 of the Act of 1881 and has joined the proceedings and is also regularly appearing in the said case. It is contended that the petitioner would also join the investigation in the present case and has thus, prays for grant of concession of anticipatory bail. It is further contended that without admitting his liability, the petitioner is ready to pay an amount of Rs.25,000/- to the complainant in the proceedings under Section 138 of the Act of 1881 within a period of one month from today.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the present FIR has been rightly registered, since the petitioner did not appear in the proceedings under Section 138 of the Act of 1881 initially and was thus, rightly declared as proclaimed person.

This Court has heard the learned counsel for the parties and has perused the record.

The petitioner was declared as proclaimed person vide order dated 29.03.2022 (Annexure P-9) in the proceedings under Section 138 of the Act of 1881 and a perusal of the order dated 29.04.2022 (Annexure P-13) would show that the petitioner has been granted regular bail in the said proceedings under Section 138 of the Act of 1881. The present FIR

under Section 174-A of the IPC has been registered in view of the fact that the petitioner was declared as proclaimed person in the proceedings under Section 138 of the Act of 1881. Since, the petitioner has now been appearing in the proceedings under Section 138 of the Act of 1881 and further the petitioner is also ready to compensate the complainant, without admitting his liability, the present bail application is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so. The same would also be subject to the petitioner depositing an amount of Rs.25,000/- in the name of complainant/proprietor in the proceedings under Section 138 of the Act of 1881 within a period of one month from today, before the trial Court where the proceedings under Section 138 of the Act of 1881 are pending.

Learned trial Court is directed to release the said amount to the complainant/proprietor in the proceedings under Section 138 of Act of 1881. The said deposit would not be deemed to be an admission of guilt by the petitioner in the said proceedings or in the FIR registered under Section 174-A of the IPC.

It is made clear that in case, the said amount of Rs.25,000/- is not deposited within aforesaid period, the present petition would be deemed to have been dismissed.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

19.05.2022

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No