

CRM-M-36578-2021

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-36578-2021
Reserved on: 03-08-2022
Pronounced on: 06.09.2022

Ajit Singh Bagga
...Petitioner

Versus

State of Haryana and another
...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mukesh Pandit, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Vineet Sehgal, Advocate for respondent No.2.

ANOOP CHITKARA, J.

Criminal Complaint	CNR No.HRGR03-032106-2017, under Section 138 of the Negotiable Instruments Act, 1881, District Gurugram
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1. Challenging the order of proclamation on being declared a proclaimed offender, the petitioner has come up before this court under section 482 of Code of Criminal Procedure, 1973 (CrPC).
2. In a prosecution under Section 138 of the Negotiable Instruments Act, 1881, the accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 10-09-2019, passed by JMIC Gurugram.
3. Ld. counsel appearing for the State and the private respondent have strenuously opposed this petition, including the limited relief as confined by the petitioner.
4. A perusal of the petition does not make out any case on merits. However, the criminal justice system must not hamper and suffer because of the petitioner. Thus, the court is restricting the present petition by requesting the concerned trial court to grant of bail on the petitioner's surrendering before the majesty of the concerned court, and reserving liberty to raise the given-up relief in the subsequent petition(s), if the need so arises.

5. Given above, this court is confining the adjudication of this matter to the extent mentioned herein before, reserving the liberty to the petitioner as mentioned above.

6. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, which establishes the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. This, in the exercise of its inherent powers under section 482 CrPC, deems it appropriate to grant the following limited relief to the petitioner, subject to the compliance of the conditions mentioned in this order.

7. The petitioner is directed to surrender before the concerned court **on or before Sep 30, 2022**. On appearance, the concerned court shall release the petitioner on bail on the same day, subject to furnishing bail bonds to its satisfaction and imposing reasonable conditions, as it may deem appropriate in the background of the accused's conduct.

8. The petitioner to execute a bond for attendance in the concerned court. On the reverse page of personal bonds, the petitioner shall mention the permanent address, along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

9. **There shall be a stay of the petitioner's arrest in the case mentioned above and also on the resultant FIR under section 174-A of IPC till the next date;** however, if the petitioner fails to appear within the time stipulated above, then stay on arrest shall stand vacated without any further reference to this court. It is clarified that if the petitioner appears before the concerned court, then all warrants issued by the concerned court against the petitioner, in the matter mentioned above shall stand recalled and canceled. **It is clarified that if the petitioner fails to appear before the concerned court within time limit mentioned in this order, then this order shall stand recalled automatically under section 362 read with 482 CrPC, without any furtherance reference to this court.**

10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

11. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of*

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this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Petition partly allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

06.09.2022
Anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	NO.