

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

203

**CRM-M-39764 of 2021
Date of Decision:17.01.2022**

Jitender

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J. P. Jangu, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 28.09.2021 the following order had been passed by this court:-

“Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail in CrI. Appeal no.CRA/183/2017, Comp. Case no.6518 of 2014, instituted on 24.05.2014 under Section 138 of the Negotiable Instruments Act, 1881, (stated to be pending before the Addl. Sessions Judge, Gurugram).

When this petition initially came up for hearing on 23.09.2021, after this court had noticed that the petitioner remained absent before the appellate court where his own appeal was pending against his conviction under the provisions of Section 138 of the Act of 1881 (for a period of almost two years), and counsel had been put a query as to

how much the cheque amount was, he had sought time to take instructions. Today he submits that there were two cheques as were subject matter of the complaint filed against the petitioner, for a total amount of Rs.3 lacs.

Simply at this stage in order to ensure that the complainant, i.e. the respondent in the appeal filed by the petitioner, does not suffer any further, notice is issued in this petition, with Mr. Neeraj Poswal, learned AAG, Haryana, accepting notice on behalf of the respondent State, on the asking of the court.

Respondent no.2 be served by way of normal process, as also dasti, with the notice to be returnable on 12.11.2021.

[While effecting dasti service, naturally all precautionary measures as are to be taken during this pandemic, shall be taken, including wearing of masks and distancing].

In the meanwhile, upon the petitioner surrendering before the appellate court and furnishing adequate surety and bail bonds to its complete satisfaction and prior thereto paying costs of Rs.25,000/- to respondent no.2, and with Rs.10,000/- to be deposited with the District Legal Services Authority, Gurugram, on account of delaying process of the court, as also making the State machinery 'run around' to try and secure his presence, he shall be admitted to bail to the satisfaction of that court, till the next date of hearing fixed before this court.

The State would also file a short affidavit stating therein as to whether any proceedings under Section 174A have also been initiated, or are pending against the petitioner.

The appellate court would also send a report to this court as to whether the amount in question in the complaint filed by respondent no.2 herein was actually Rs.3 lacs only, or a larger amount."

Thereafter it was recorded in the order dated 22.11.2021, that upon the petitioner having paid the aforesaid costs, he had been admitted to interim bail by

the learned appellate court, upon further furnishing bail bonds in the sum of Rs.50,000/- and one surety in the like amount.

Hearing in the matter had still been adjourned till today, to determine as to whether any proceedings under Section 174-A of the IPC had been initiated against the petitioner.

In response to that query, an affidavit of the Assistant Commissioner of Police, Udyog, Gurugram, dated 13.01.2022, has been filed, stating therein that no such FIR has been registered under the said provision.

That being so, subject to the petitioner continuing to appear before the appellate court as and when summoned (unless granted specific exemption to do so by that court), the order dated 28.09.2021 is made absolute on the same terms and conditions, with the petition therefore allowed.

The affidavit filed by the ACP is ordered to be taken on record.

It is to be noticed that as per the report of the Registry, respondent no.2 stand served of the notice initially issued in the petition, but with no-one representing the said bank.

January 17, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No