

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

CRM-M-48420-2022

Date of decision: 18.10.2022

Bansi Sharma and anotherPetitioners

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.K. Bagga, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking issuance of direction to the trial Court to release the petitioner on regular bail or in alternative to decide the bail application to be moved by the petitioner on the same day in case FIR No.240 dated 19.07.2022 under Section 174-A of IPC registered at Police Station Civil Lines, District Bhiwani (Annexure P-4).

Learned counsel for the petitioners submits that the above said FIR has been registered against the petitioners as they were declared proclaimed persons vide order dated 29.04.2022 (Annexure P-2) in a complaint case under Section 138 of the Negotiable Instrument Act. He further submits that that the complaint filed by the complainant HDFC Bank Ltd. has been dismissed as withdrawn vide order dated 17.09.2022 (Annexure P-3) on account of settlement of claim between the parties. He further submits that once the main proceedings have been compromised between the parties, therefore, continuation of the prosecution of the

accused/petitioners under Section 174-A IPC would be nothing but an abuse of the process of law as the very purpose of the registration of FIR was to procure the presence of the petitioners and no fruitful purpose would be served in continuing the proceedings under Section 174-A of IPC. To support his contention, he relies upon the judgments dated 21.05.2019 passed in CRM-M-21242-2018 titled as '*Ved Parkash Vs. State of Haryana*', dated 24.09.2020 passed in CRM-M-16999-2020 titled as '*Vishal Parashar Vs. State of Haryana and another*' and dated 11.01.2021 passed in CRM-M-16101-2020 titled as '*Jagat Singh Vs. State of Haryana*.' Counsel further contends that the petitioners will surrender before the trial Court and will file an application seeking regular bail and the same shall be considered at the earliest.

Since the main complaint itself filed under Section 138 of the Negotiable Instrument Act has already been dismissed as withdrawn vide order dated 17.09.2022 on account of settlement between the parties, it would be appropriate if the petitioners shall surrender before the trial Court on or before 29.10.2022 and on doing so, if petition seeking regular bail is filed by them, the trial Court shall decide the same within two working days thereafter.

Disposed off, in above terms.

18.10.2022
ps-I

(NAMIT KUMAR)
JUDGE

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