

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M 53059 of 2021
Date of Decision:21.01.2022

Pankaj Kashyap

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anil Shukla, Advocate,
for the petitioners.

Mr. Anmol Malik, DAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 20.12.2021 the following order had been passed by this court:-

“By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.600, dated 05.10.2021, having been registered at Police Station Civil Lines, District Karnal, alleging therein the commission of an offence punishable under Section 174-A of the IPC.

Learned counsel for the petitioner submits that the petitioner having surrendered before the trial court on 25.11.2021, the proceedings under Section 174-A of the IPC deserve to be quashed, he not having been arrested (but he having himself surrendered in court).

Though obviously he has surrendered in the context of the complainant registered against him under Section 138 of the Negotiable Instruments Act, 1881, and the proceedings in the FIR

registered as regards an offence punishable under Section 174-A of the IPC, yet, in the circumstances, without making any comment at this stage on the actual merits of the case, notice of motion is issued.

Mr. Neeraj Poswal, AAG, Haryana, accepts notice at the asking of the court on behalf of respondent State.

Adjourned to 21.01.2022.

A copy of the petition be supplied to him today itself by learned counsel for the petitioner.

In the meanwhile, despite the fact that he has been declared to be a proclaimed person and normally this court would not admit a person to bail who has been declared as such, but simply because he has surrendered in the context of the main complaint itself, he would join investigation in the context of the FIR in question and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this court.

A reply be filed by a gazetted officer to the petition, with learned counsel for the parties to assist this court as regards the judgment of the Supreme Court as to when an FIR alleging therein the commission of an offence punishable under Section 174-A of the IPC can be registered and when it should not be, where an accused has himself surrendered in the context of the main case.”

Today a reply to the petition has been filed on behalf of the

respondent State, which is ordered to be taken on record.

As per the said reply, though the petitioner had not joined investigation earlier, he has now joined on 14.01.2022 and has been admitted to interim bail.

That being so, for the reasons already given in the order dated 20.12.2021, without making any comment on the actual merits of the case, the petition is allowed, with the said order made absolute on the same terms and conditions.

January 21, 2022
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No