

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54059-2021 (O&M)

Date of Decision:- 9.5.2022

Darshan Singh

.... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. U.M.Khan, Advocaes for
Mr. G.S.Sandhu, Advocate, the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by HC Ramesh Kumar.

Ms. Amrita Nagpal, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.511, dated 9.9.2021, Police Station Karnal Civil Lines, District Karnal, under Section 174-A IPC.
2. At the time of issuance of notice of motion the following order was passed on 23.12.2021:

“Learned counsel for the petitioner submits that the present FIR came to be lodged pursuant to the petitioner having been declared a ‘Proclaimed Offender’ during the course of proceedings of a complaint filed under Section 138 of Negotiable Instruments Act.

Learned counsel for the petitioner submits that the petitioner has now surrendered before the Court trying the complaint under Section 138 of Negotiable Instruments Act on 7.12.2021 and has been released on bail and that he is willing to surrender even in the present case.

Notice of motion for 21.4.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel representing the complainant has argued that although the petitioner had surrendered before the Court where proceedings under Section 138 of Negotiable Instruments Act are pending, but he has not been fully cooperating with the proceedings inasmuch as he has been moving applications seeking his exemption from personal appearance time and again and on account of which notice of accusation could not be served upon him and it was when the trial Court ordered that no such exemption shall be granted that he ultimately appeared. It has further been submitted that since the petitioner had been declared a ‘Proclaimed Offender’ in the main case

under Section 138 of Negotiable Instruments Act, he does not deserve the concession of bail in the proceedings under Section 174-A of IPC. Learned counsel in order to hammer forth her contentions has relied upon State of Madhya Pradesh Vs. Pradeep Sharma, Criminal Appeal No.2049 of 2013, (SC) and Akhtar Vs. State of Haryana and others CRM-M-21334-2020, (P&H).

4. On the other hand, learned State counsel has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. As far as the judgements relied upon by learned counsel for the complainant are concerned the same pertain to the cases where the accused was seeking anticipatory bail in respect of the offences in respect of which he had been declared a 'Proclaimed Offender'. However, in the present case the petitioner has already surrendered in respect of the proceedings under Section 138 of Negotiable Instruments Act, during the course of which he had been declared a 'Proclaimed Offender'. It is in respect of FIR for offence under Section 174-A IPC, that he seeks bail. In these circumstances, the judgments cited by learned counsel for the complainant are not applicable to the facts of the instant case.
7. Having regard to the facts and circumstances of the case and the nature of offence and the fact that the petitioner otherwise has already surrendered before the Court where the proceedings under Section 138 of Negotiable Instruments Act are pending and in the present

case under Section 174-A IPC, he has been released on interim bail pursuant to order dated 23.12.2021, the petition is accepted and the interim directions issued by this Court vide order dated 23.12.2021 is hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

9.5.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No