

CRM-M-10715-2023

1

206

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

**CRM-M-10715-2023
Date of Decision: 26.04.2023**

Amrit Kaur

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : None for the petitioner.

Mr. Amrik Narwal, D.A.G., Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.520, dated 06.12.2022, registered under Section 174-A of Indian Penal Code, 1860, at Police Station Sector 17 HUDA, Jagadhri, District Yamuna Nagar.

2. On 01.03.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.520 dated 06.12.2022, registered under Section 174-A of the Indian Penal Code, 1860, at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar.

Succinctly, in a complaint under Section 138 of the Negotiable Instruments Act, filed against the petitioner for dishonoring of cheque of Rs.50,000/-, she was declared as a proclaimed person and hence, the FIR in question, has been registered against her.

Learned counsel for the petitioner submits that the petitioner is a lady, who is 37 years of age and has minor daughter aged 4 years. He further submits that the petitioner was not aware of any proceedings initiated against her under Sections

82/83 of the Code of Criminal Procedure, wherein, she was declared as a proclaimed person on 22.08.2022 by the trial Court. It is further submitted that as soon as the petitioner came to know about the said fact, she appeared before the trial Court and applied for bail in the case involving offence punishable under Section 138 of the Negotiable Instruments Act and petitioner was granted bail vide order dated 22.02.2023 (Annexure P-2). Learned counsel further submits that in above said case FIR No.520 dated 06.12.2022, the petitioner moved an application for anticipatory bail before the Additional Sessions Judge, Yamuna Nagar at Jagdhri, which has wrongly been dismissed vide order dated 24.02.2023 (Annexure P-3). Learned counsel further submits that the petitioner is not involved in any other case except one complaint case i.e. CIS No.NI Act/1854/2019 dated 26.08.2019 under Section 138 of the Negotiable Instruments Act. Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground that she has been declared as a proclaimed person.

List on 26.04.2023.

In the meanwhile, in the event of arrest of the petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, she shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

3. Learned State counsel on instructions from Head Constable Manjeet Kaur submits that the petitioner has joined the investigation and her custodial interrogation is not required at this stage.
4. In view of the averments of learned State counsel, since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order

CRM-M-10715-2023

3

dated 01.03.2023 passed by this Court is made absolute.

5. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

6. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

7. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

8. The petition is accordingly disposed of.

26.04.2023
Himani

(HARSH BUNGER)
JUDGE

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