

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

(206/1)

CRM-M-26867-2022
DATE OF DECISION:-15.03.2023

Pal Singh

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Divyam Singh, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.735 dated 13.09.2019 under Section 174A IPC, registered at P. S. City Panipat, District Panipat.

On 07.07.2022, the following order was passed:

This order deals with CRM-M-27211 of 2022 titled Pal Singh Vs. State of Haryana, wherein a challenge has been placed to the order dated 28.03.2019 (Annexure P2) passed by the Judicial Magistrate First Class, Panipat, whereby the petitioner has been declared as a proclaimed person in complaint case No.2115 dated 10.08.2017 (Annexure P-1) as well as CRM-M-26867 of 2022, whereby the petitioner has sought concession of anticipatory bail in case bearing FIR No.735 dated 13.12.2019, under Section 174-A of the Indian Penal Code, 1860 at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner inter alia contends that the complainant in question had been instituted for commission of offence under Section 138 of the Negotiable Instruments Act on account of default on the part of the petitioner

in repayment of the cash credit limit of Rs.1,00,000/- to the respondent-complainant bank. He further submits that the petitioner is ready and willing to pay the aforesaid amount and that in order to show his bona fide, he shall deposit an amount of Rs.40,000/- within a period of one week from today with the trial Court in favour of respondent-complainant bank and shall pay the remainder amount of Rs.60,000/- within a period of 04 weeks thereafter. He further contends that the object of initiating proceedings under Section 174-A IPC is to ensure appearance of the petitioner and he undertakes to surrender before the Court within a period of 10 days.

Notice of motion.

Mr. Ashish Yadav, Addl. AG, Haryana appears and accepts notice on behalf of respondent-State.

List on 12.09.2022.

In the event of the petitioner depositing an amount of Rs.40,000/- within a period of 01 week, as undertaken by him in Court and upon his surrender before the Illaqa Magistrate within a period of 10 days from today, the order dated 28.03.2019 shall be kept in abeyance and he shall be admitted to interim bail subject to furnishing bail bonds by him to the satisfaction of the trial Court. A photocopy of this order be placed on the file of other connected case.

Learned counsel for the petitioner submits that petitioner has already deposited the entire cheque amount as demanded by the complainant i.e. Rs. 1 Lakh.

Learned State counsel on instructions from HC Sunil, City Panipat, and also as per status report dated 03.09.2022, submits that the investigating agency has already submitted a closure report in the aforementioned FIR.

In view of the above, the petition is allowed. Interim order dated

07.07.2022 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

15.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No