

210 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-30206-2023 (O&M)

Date of Decision: 01.08.2023

Gulshan Bhardwaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajit Sihag, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.514 dated 22.05.2022, under Section 174-A IPC registered at Police Station HTM, Hisar, District Hisar.

2. Present FIR has originated out of a complaint case under Section 138 of Negotiable Instruments Act.

3. This Court *vide* order dated 12.06.2023, granted interim bail to petitioner and the same reads as under:-

“Contends, inter-alia, that petitioner is ready to settle the matter on some amicable terms with the complainant, namely, Om Shakti Singh.

Notice of motion

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice and seeks time to have instructions in the matter.

Posted on 01.08.2023.

In the meanwhile, petitioner shall surrender before the Court below and the learned trial Court shall admit him to bail on furnishing adequate bail and surety bonds to its satisfaction. The

petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of aforesaid order, he has appeared before the learned trial Court and has been admitted to interim bail. Further submits that the absence of petitioner on earlier occasion was on account of non-service of summons upon him. Further submits that his absence was unintentional.

5. The above factual position is duly acknowledged by learned State Counsel.

6. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted vide order dated 12.06.2023, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

8. The above observations may not be construed as an expression of opinion on the merits of the case.

9. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

01.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No