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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(107)

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Date of decision:- 17.07.2023

Ajay Kumar ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Surinder Kumar Daaria, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

Complaint No.	Dated	Police Station	Section(s)
NACT01/2016	05.01.2016	Sohna, District Gurugram.	138 of Negotiable Instrument Act, 1881 (for short “the NI Act”) and Sections 408, 420, IPC.

2. Counsel for the petitioner submits that during the pendency of a complaint, Annexure P-1, petitioner, who was regularly appearing before the learned Judicial Magistrate, missed a date as he was hospitalized. He submits that due to his non-appearance, learned Judicial Magistrate by order dated 21.07.2022, Annexure P-3, cancelled the bail and the surety bonds were forfeited to the State. Counsel submits that an application was moved soon thereafter for cancellation of non-bailable warrants, which was declined on

06.04.2023, Annexure P-9. He submits that by order dated 05.07.2023,

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Annexure P-13, learned Judicial Magistrate has initiated proceedings under Section 82, Cr.P.C., for declaring the petitioner as a proclaimed offender. It is his submission that the petitioner is ready to appear before the Trial Court, today itself.

3. Counsel for the petitioner has been heard.

4. Although petition seeking grant of anticipatory bail by a person, who was arrested, is not maintainable, but considering the request made by the counsel, this Court is of the view that an opportunity deserves to be granted to the petitioner to join the proceedings.

5. It is accordingly ordered that in case the petitioner surrenders before the Trial Court during the course of the day and joins the proceedings, he shall be released on interim bail on his furnishing fresh bail/surety bonds to the satisfaction of the Magistrate concerned. Learned Magistrate may impose any other condition it deems appropriate to obviate the possibility of any further default by the petitioner.

6. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

17.07.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No