

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

109

CRM-M-48011-2023

Date of decision: 22.09.2023

Satish Kumar

....Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arpandeep Narula, Advocate for the petitioner.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.189, dated 17.02.2023, registered under Section 174-A IPC, at Police Station Civil Lines, Sirsa, Annexure P-1.

2. Learned counsel contends that in the criminal complaint filed under Section 138 of Negotiable Instruments Act, 1881, however, he was declared proclaimed person vide order dated 13.01.2023. The SHO concerned was directed to register the FIR against the petitioner under Section 174A IPC vide order dated 07.02.2023, whereafter, he filed petition i.e. CRM-M-13539-2023, challenging the said order and this Court had directed that in case, the petitioner appears before the trial Court on or before

12.07.2023, he shall be released on ad-interim bail vide order dated 03.07.2023, Annexure P-4. In compliance thereto, he surrendered before the trial Court and was granted ad-interim bail vide order dated 11.07.2023, Annexure P-5. In the meantime, FIR as directed by the trial Court had got registered on 17.02.2023. His anticipatory bail application was dismissed by the trial Court vide order dated 14.09.2023, Annexure P-6. However, in the main complaint filed under NI Act, the petitioner is regularly appearing before the trial Court. He is ready and willing to surrender and join the proceedings in the FIR.

3. Notice of motion.

4. Mr. Jagdish Manchanda, Addl. AG, Haryana, appears on receipt of advance notice and opposes the prayer made on the ground that the order declaring the petitioner as proclaimed person and consequent FIR registered, are both valid as the petitioner had not appeared pursuant to the summons that were issued against him in the complaint.

5. Having heard the learned counsel for the parties and keeping in view the facts and circumstances of the case, the present petition is disposed of with a direction that in case the petitioner surrenders and files an application before the trial Court for grant of bail on or before 04.10.2023, the he shall be released on bail subject to its satisfaction. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

6. Before parting with this order, it is made abundantly clear that

in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

22.09.2023
Ankur

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