



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-28581-2024,
CRM-28582-2024 in
CRM-M-12364-2024
Date of Decision:31.07.2024

Rajesh Kumar Chaudhary ...Petitioner

vs.

State of Haryana and Anr. ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. R.S Mamli, Advocate with
Mr.Bhavdeep Singh Mamli, Advocate
for the applicant/petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr.G.C Shahpuri, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-28581-2024

1. The applicant/petitioner has moved the present application under Section 482 Cr.P.C with a prayer to prepone the date of hearing in the present case.
2. On the asking of the Court, Ms. Sheenu Sura, Deputy Advocate General, Haryana. who is present in the Court, accepts notice on behalf of respondent-State and Mr.G.C Shahpuri, Advocate appears on behalf of complainant and files his Power of Attorney, which is taken on record and they submit that they have no objection, in case the date of hearing of main case is preponed to some earlier date.

3. For the reasons mentioned in the application, the application is allowed and the date of hearing in the main case is preponed to today and the main case is taken up on Board today itself.

CRM-28582-2024

1. Application is allowed as prayed for, subject to just all exceptions.

Main case

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in complaint case under Section 138 of Negotiable Instruments Act (Case No. NI Act 2408 of 2018), District Yamuna Nagar.

2. Learned counsel for the petitioner contends that the offence alleged against the present petitioner is bailable offence and he is ready to furnish the bail bonds/surety bonds before the Court. He further contends that the petitioner was wrongly declared as a proclaimed person on 21.11.2022 and one FIR was ordered to be registered against him.

3. On the other hand, the prayer made by learned counsel for the petitioner has been opposed by the learned State counsel assisted by learned counsel for the complainant. Learned counsel for the complainant has vehemently argued that the petitioner was admitted to bail by the Trial Court and notice of accusation was served upon him. However, the petitioner did not appear before the Trial Court and despite, strenuous efforts, his presence could not be secured before the Trial Court. Ultimately, the petitioner was declared as a proclaimed person on 21.11.2022. Learned counsel further submits that there is well founded apprehension that the present petitioner may again abscond

from the process of law, if he is ordered to be released on bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. It is apparent that the petitioner has been arrested in the present case only for the offence punishable under Section 138 of the Negotiable Instruments Act and admittedly the said offence is bailable in nature. Thus, the present petition is allowed and the petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed

seriously.

- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report on every 1st and 3rd Monday of English calender month to the SHO P.S Farakpur till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

8.

In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.
9.

Since the complaint is pending since 2018, the Trial Court is directed to conclude the trial expeditiously, preferably within a period of 08 months from today.

31.07.2024

(N.S.SHEKHAWAT)

JUDGE

hitesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No