

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210 CRM-M-12330-2024
Date of Decision.:20.04.2024

Rajesh Kumar ChaudharyPetitioner
Vs.
State of Haryana and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

Proxy counsel for
Mr. Gian Chand Shahpuri, Advocate
for respondent No.2.

DEEPAK GUPTA, J. (ORAL)

Fresh power of attorney on behalf of petitioner and memo of appearance on behalf of respondent No.2 has been filed.

2. The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in complaint case bearing No.NI Act 2407 of 2018 tilted as ‘Anil Gulati Vs. Rajesh Kumar’ under Section 138 of the Negotiable Instruments Act, pending in the Court of learned JMIC, Jagadhri.

3. Learned counsel contends that petitioner had been allowed bail in the complaint case. However, due to his absence on 14.09.2022, his bail was cancelled. He was declared proclaimed person on 11.04.2023 and pursuant thereto FIR No.95 dated 06.04.2023 under Section 174-A of the

CRM-M-12330-2024

IPC was registered against him at Police Station Sector-17, Huda, Jagadhri. Learned counsel contends that petitioner has since been acquitted in that case FIR No.95 of 2023 on 03.04.2024. Copy of the judgment has been placed on record. Learned counsel further submits that petitioner is presently in custody for the last more than 04 months; that stricter conditions may be imposed upon him; and that he be allowed bail as the offence in question is bailable and the maximum sentence provided for the offence is two years, in case it is triable as a summons case and only one year if it is tried summarily.

4. Learned State counsel as well as learned counsel for the complainant have opposed the petition.

5. The custody certificate as placed on record would reveal that petitioner is in custody for the last 04 months and 07 days. Although he is under-trial in other cases also as per the details given in the custody certificate but having regard to nature of case against the petitioner, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions. It is directed that surety must own immovable property to the extent of bond amount within the Revenue District of Yamuna Nagar.

(DEEPAK GUPTA)
JUDGE

April 20, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No