

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13806-2024
Date of Decision:16.04.2024

Rajesh Kumar Chaudhary ...Petitioner

vs.

State of Haryana and Anr. ...Respondents

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

Present : Mr. Ashish Sindhu, Advocate for
Mr. Davneet Sangwan, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in compliant case under Section 138 of the Negotiable Instrucments Act (Case No.NI Act 2110 of 2018), District Yamuna Nagar.
2. Learned counsel for the petitioner contends that the petitioner was wrongly declared as a proclaimed person on 21.11.2022 and a FIR under Section 174-A of IPC was ordered to be registered against him. He further contends that the petitioner is facing trial in a complaint case under Section 138 of the Negotiable Instruments Act and the offences are bailable in nature. Learned counsel further contends that the petitioner shall file an affidavit that he shall not absent himself from the Court proceedings except with the prior permission of the Court concerned.
3. On the other hand, learned State counsel has vehemently opposed

the prayer made by learned counsel for the petitioner on the ground that the petitioner has been declared as a proclaimed person in 08 cases and he may again abscond during the course of trial. She further contends that the petitioner did not appear on several dates and the trial Court was left with no option, but to declare him as a proclaimed person. She further prays that since there is well founded apprehension that the petitioner may evade the process of law and his bail application may be declined.

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

5. In the present case, the petitioner is facing a criminal prosecution under Section 138 of the Negotiable Instruments Act, which is bailable offence. No doubt, the petitioner was declared as a proclaimed person, but he cannot be detained in custody for a longer period. The petitioner was arrested in the present case on 13.12.2023 and no purpose will be served by keeping the petitioner behind the bars.

6. Without commenting on the merits of the case, the present petition is allowed. 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) He shall also file an affidavit before the Trial Court that he shall appear on each and every date of hearing and shall not remain absent without seeking prior permission of the Court.

(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
(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 Monday of English calender month at 10:00AM before the SHO Police Station Farakpur till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

7. 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.

16.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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