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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

201

CRM-M-29570-2024 (O&M)
Date of decision: 23.08.2024

Manish Singla ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. B. R. Rana, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 0062, dated 28.04.2023, registered under Section 174-A of IPC at Police Station Division No. 2, Ludhiana.
- Brief facts of the case are that the petitioner has been facing trial in complaint bearing CIS No. COMA-30332-2019, titled as *Sonia Mahajan vs. Manish Singla*, filed under Section 138 of the Negotiable Instruments Act (*for short 'N. I. Act'*). In the said proceedings, the petitioner was declared a proclaimed person due to his non-appearance before the Court on 09.03.2023 and it was directed that the proceedings under Section 174-A of IPC be initiated against him. Thereafter, the petitioner filed an application for grant of anticipatory bail, which was allowed and he was allowed to join the proceedings before the trial Court. In compliance thereof, the petitioner had joined the proceedings before the trial Court on 29.04.2023 and is stated to be

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regularly appearing before the Court. However, consequent to aforesaid order dated 09.03.2023, the aforesaid FIR under Section 174-A of IPC was registered. The petitioner had filed an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana but the same had been dismissed, vide order dated 28.05.2024.

3. Learned counsel for the petitioner has argued that the petitioner, after being granted concession of anticipatory bail, has already joined proceedings before the trial Court pending under Section 138 of N. I. Act and he is regularly appearing before the Court concerned. Vide order dated 07.06.2024, after noticing this fact, the coordinate Bench of this Court has stayed the arrest of the petitioner. It is argued that since the petitioner has already appeared before the Court, no useful purpose would be served by detaining him in custody in pursuance of registration of aforesaid FIR under Section 174-A of IPC. It is, thus, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of pre-arrest bail.

4. Learned State counsel has filed the status report, which is taken on record. Learned State counsel, in terms of the status report, has not disputed the factual assertions but has opposed the prayer of the petitioner. She has also submitted that the petitioner is a habitual offender as two more FIRs under Sections 420, 406, 506 and 120-B of IPC are pending against him.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. Admittedly, the petitioner, after being declared a proclaimed person in the aforesaid complaint filed under Section 138 of N. I. Act, had

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filed an application for grant of anticipatory bail, which had been allowed and he had joined those proceedings before the trial Court and has been regularly appearing therein. However, in the wake of registration of aforesaid FIR under Section 174-A of IPC, he is sought to be arrested. Vide order dated 07.06.2024, the coordinate Bench of this Court had stayed the arrest of the petitioner while noticing the fact that the petitioner had already appeared before the trial Court. In view of all these facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner into custody. Accordingly, the present petition is allowed. The petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

23.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No