

209 (1st case)

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

**CRM-M-59825-2023 (O&M)
Date of decision : 19.03.2024**

Niraj Kumar Madaan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Ms. Veena Hooda, Advocate for
Mr. Nikhil Mittal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

None for respondent No.2 despite service.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.486 dated 15.11.2023, under Section 174-A of the Indian Penal Code, 1860, registered at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar.

(2) Above FIR was registered on the basis of order dated 15.02.2023, passed by learned Judicial Magistrate 1st Class, Yamuna Nagar in Criminal Complaint No.NIA/932/2020, under Section 138 of the Negotiable Instruments Act, 1881, vide which petitioner was declared as proclaimed person in the said case.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 29.01.2024 and in pursuance thereof, he has already joined the proceedings before learned trial Court and he shall fully cooperate in future.

(4) Learned State Counsel, on instructions, acknowledged that petitioner has joined the proceedings and as on today, he is regularly appearing before learned trial Court.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 29.01.2024 and the order reads as under:-

“To be heard along with CRM-M No.60437 of 2023 on 08.02.2024.

Petitioner shall surrender before learned trial Court within one week from today and upon doing so, he be released on interim bail, in the present case, till the next date of hearing on furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

(7) It is acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner joined the proceedings and as on today, his custodial interrogation is not required.

(8) In view of the above, present petition is allowed; interim order dated 29.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(9) It is made clear that the petitioner shall fully co-operate with the learned trial Court and shall not seek unnecessary adjournments.

(10) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(12) Pending application(s), if any, shall also stand disposed off.

19th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No