



CRM-M-60083-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-60083-2025
Decided on : 03.11.2025

PARVEEN SINGH THAKUR

... Petitioner(s)

Versus

STATE OF UT CHANDIGARH

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Aditya Dassaur, Advocate,
for the petitioner(s).

Mr. Viren Sibal, APP, UT, Chandigarh.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed by the petitioner, seeking grant of anticipatory bail, in case, FIR No.75, dated 15.04.2024, under Section 174-A of IPC, registered at Police Station Sector 36, Chandigarh.
2. Counsel for the petitioner contends that petitioner was facing proceeding in prime case, i.e. Complaint Case No. NACT-4794/2022, under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, 'the NI Act'). On account of absence in the said complaint case, the petitioner was declared as 'proclaimed person', vide order dated 25.10.2023 (Annexure P-1). As a consequence thereof and upon the Court's directions, impugned FIR (Annexure P-2) has been registered under Section 174-A of IPC against the petitioner,.
3. Learned counsel for the petitioner argues that without following the due procedure as prescribed under Section 82(2) of Cr.P.C., petitioner has been declared as 'proclaimed person', whereas, in actual, he was never



served upon the notice or any information in regard to the pendency of the complaint under Section 138 of the NI Act.

Further submits that on coming to know about pendency of the proceedings under Section 138 of the NI Act and also registration of the present FIR, the petitioner immediately appeared before the learned Trial Court and joined the process of law in the said complaint case. Not only this, he has also been granted bail, vide order dated 11.09.2025 (Annexure P-3).

However, anticipatory bail filed by the petitioner before the Court of Sessions, in the FIR under Section 174-A IPC has been declined on the ground that petitioner has been declared as a proclaimed person (Annexure P-4).

Without addressing much on merits, counsel for the petitioner submits that if one opportunity is granted, petitioner is ready and willing to join the proceedings initiated against him under Section 174-A of the IPC, i.e. FIR No. 75, dated 15.04.2024, if protected from arrest.

4. Notice of motion.

5. Learned State counsel puts an appearance, and submits that the present petition sans merit, because the petitioner has not been able to point out any irregularity or discrepancy in the proclamation proceedings or order passed by learned Court below. However, learned State counsel has not disputed the factum of the petitioner having joined the proceedings in the complaint case under Section 138 of the NI Act and grant of bail to the petitioner by the learned trial Court, vide order dated 11.09.2025 (Annexure P-3). Thus, prays for dismissal of the present petition.

6. I have considered the submissions of both the sides and with their able assistance examined the relevant material available on record. It remains undisputed that in the primary proceedings under Section 138 of the



NI Act, due to non-appearance of the petitioner, he was declared as a proclaimed person, and then FIR No. 75, dated 15.04.2024 (Annexure P-2), for the offence punishable under Section 174-A IPC has been registered against him. Petitioner has already joined the process of law in the complaint case and even granted concession of bail. He is also willing to join the proceedings initiated against him under Section 174-A IPC.

The offence under Section 174-A IPC is triable by Magistrate and the maximum imprisonment of three years can be imposed. Moreover, no meaningful purpose would be served for the prosecution by sending or keeping the petitioner behind bars.

7. Consequently, prayer made in the present petition is **allowed**. It is directed as under:-

- (i) The petitioner shall surrender before the trial court within a period of two weeks from today.
- (ii) Costs of Rs.10,000/- shall be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. For this purpose, the Trial Court shall specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.
- (iii) Petitioner shall also move an appropriate application for bail before the concerned Court, and he would be released on bail, subject to compliance of deposit of costs of Rs. 10,000/-, as also furnishing of bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.
- (iv) Petitioner would also submit specific undertaking/affidavit that



he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

- (v) Petitioner would hand over his passport to the Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.
- (vi) Before leaving country any time during trial, petitioner would seek prior permission of the Court.
- (vii) Petitioner shall also abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, Trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

November 03, 2025
Lavisha

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*