

**IN THE COURT OF DR. AMIT KUMAR GARG
ADDITIONAL SESSIONS JUDGE, KURUKSHETRA
(UID:HR0180).**

CNR No.HRKU010047072020
Bail Application No.1547 of 2020
Date of Institution: 7.10.2020
Date of Order: 8.10.2020

Vijay Kumar aged about 35 years son of Gulzar Singh, resident of village
Kainthala Khurd, Tehsil Thanesar, District Kurukshetra

...Applicant-accused

Versus

State of Haryana.

...Respondent-State.

FIR No.115 dated 9.3.2020
Under section: 174-A IPC
Police Station: Kurukshetra University, Kurukshetra

**Application under Section 438 Cr.P.C. for
grant of anticipatory bail.**

Present: Shri Ravinder Bhardwaj, Advocate for the applicant-
accused.
Shri Gopal Kumar, Public Prosecutor for the respondent-
State.

ORDER:

This anticipatory bail application has been filed in the
aforementioned FIR by the petitioner/accused under Section 438 Cr.P.C.
Upon notice, learned Public Prosecutor has put in appearance and filed
reply.

2. I have heard the learned counsel for the applicant-accused
and the learned PP for the State. The learned counsel for the applicant-
accused has argued as per the pleas taken in the bail application and it was
submitted that the applicant-accused is willing to compound the offence

(Dr. Amit Kumar Garg)
Addl. Sessions Judge
Kurukshetra(UID:HR0180)
8.10.2020

by making the remaining payment to the complainant bank and subject to that condition, the anticipatory bail of the applicant-accused be allowed. On the other hand, the learned Public Prosecutor for the State argued as per the reply filed by the prosecution and has prayed for the dismissal of the bail application.

3. Now, as per the contents of the F.I.R., a criminal complaint under Section 138 of Negotiable Instruments Act was filed by complainant bank (PNB) against the petitioner-accused wherein the petitioner-accused was summoned as an accused. Initially, the applicant-accused appeared before the learned trial Court and also made the part payment. However, on account of his subsequent non-appearance before the trial court, he was declared as a “Proclaimed Person” vide order dated 2.3.2020 and in compliance of the said order, the present FIR was registered under Section 174-A I.P.C. against the petitioner-accused. Apprehending his arrest, the petitioner-accused has filed the present anticipatory bail application.

4. The present FIR is the outcome of the aforesaid criminal complaint. The applicant-accused has shown his willingness to compound the main offence with regard to the dishonour of cheque by making the remaining payment. Even otherwise, no recovery is to be effected from the petitioner-accused and thereby his custodial interrogation is not required.

5. Hence, subject to the condition of compounding the offence under section 138 of N.I.Act (pending before learned trial Court) within a

period of 15 days by the applicant-accused by making the remaining payment and in view of the aforesaid facts but without commenting on merits of the case, the instant anticipatory bail application is allowed with the direction to the petitioner-accused to join the investigation within 20 days and in the event of his arrest, he shall be released on bail on furnishing adequate bail bonds to the satisfaction of the Investigating Officer/Arresting Officer. The petitioner-accused is further directed to comply with the conditions envisaged under Section 438(2) Cr.P.C. It is made clear that in case the petitioner-accused does not abide by the directions contained in this order, then the concession granted to him through this order would be deemed to have cancelled.

6. Accordingly, the instant anticipatory bail application stands allowed. Copy of this order be sent to the learned Illaqa/Duty Magistrate as well as to the SHO concerned for information and necessary compliance. After compliance, bail application file be consigned to the record room.

Announced in an open Court;
8.10.2020.

(Dr. Amit Kumar Garg)
Addl. Sessions Judge,
Kurukshetra(UID:HR0180)

Note:- All the three pages of this order have
been checked and signed by me.

narinder

(Dr. Amit Kumar Garg)
Addl. Sessions Judge,
Kurukshetra(UID:HR0180)

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Present: Shri Ravinder Bhardwaj, Advocate for the applicant-accused.
Shri Gopal Kumar, Public Prosecutor for the respondent-State.

ORDER

Reply to the bail application has been filed. Arguments heard.

Vide separate order of even date, the present bail application has been allowed. Copy of the main order be sent to the learned Illaqa/Duty Magistrate as well as to the SHO concerned for information and necessary compliance. File be consigned to the record room after due compliance.

Announced in an open Court;
Dated:8.10.2020.
narinder

(Dr. Amit Kumar Garg)
Addl. Sessions Judge,
Kurukshetra(UID:HR0180)