



2024:PHHC:066539



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

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Date of Decision : May 13, 2024

**SHIVAM SR. SEC. SCHOOL THROUGH ITS DIRECTOR NISHANT
TANWAR**

-PETITIONER

V/S

STATE OF HARYANA AND ANOTHER**-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Shailender Kashyap, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. The apprehension of arrest has propelled a juristic person, i.e. Shivam Sr. Sec. School, to institute the instant petition before this Court, thereby seeking the relief of anticipatory bail, in FIR No.21 dated 21.01.2023, under Section 120-B, 420, 467, 468, 471 of the IPC, registered at P.S. Bhiwani Civil Lines, District Bhiwani.

2. At the very outset, this Court posed a solemn query to the learned counsel for the petitioner, thereby seeking enlightenment about the cause leading to an apprehension regarding arrest becoming ensued to a juristic person, and/or, the modus which the police officials may adopt to arrest a juristic person. Speaking candidly, the learned counsel for the petitioner responded that the instant motion, on behalf of a juristic person, is not maintainable.



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3. It is not under dispute that a juristic person is capable of suing, or, being sued only in a case of law, and, even can be prosecuted in a case involving commission of offence under Section 138 of the Negotiable Instruments Act, 1881, however, being totally antagonist to the real persons, a juristic person cannot be put behind bars. When no mechanism to put a juristic person behind bars has yet been evolved, therefore, there arose no occasion for a juristic person to apprehend arrest.

4. What has further amazed this Court, is that, the learned Additional Sessions Judge, Bhiwani, has not only entertained the anticipatory bail application of a juristic person, but has even declined to grant the relief of anticipatory bail, on the ground that, no effective investigation can take place by putting the cloak of anticipatory bail around. Meaning thereby, even the learned Additional Sessions Judge concerned was of the view that, custodial interrogation of a juristic person is required.

5. Since the instant petition is a totally misconceived motion, therefore, it is hereby **dismissed, being non maintainable**. However, in case, the authorized person concerned of the School concerned apprehends arrest, he/she is at liberty to approach the appropriate court of law.

May 13, 2024
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(KULDEEP TIWARI)
JUDGE

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