

CRM-M-26173-2015 (O&M)

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

**CRM-M-26173-2015 (O&M).
Decided on: August 11, 2015.**

Rajesh Mehra

..... Petitioner(s)

Versus

M/s Best Dye-Chem

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Manuj Nagrath, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Petitioner having been summoned as an accused under Section 138 of the Negotiable Instruments Act, had filed an application for the grant of bail to be released against personal bond only. The said application has been dismissed vide order Annexure P4. A perusal of the order indicates that only request made by the petitioner was that he being a handicapped person appearing before the Court in wheel chair should be exempted from surety bonds. The application has been dismissed vide order dated 23.1.20124 only on the ground that no section has been mentioned under which the application had been moved.

I have considered the facts and circumstances of the case.

Counsel for the petitioner submits that the petitioner has been involved in a number of complaints and that he is required

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to furnish separate surety in all the complaints and that he has got an apprehension that surety bonds and personal bonds already furnished by him may not be accepted again. The apprehension of the petitioner appears to be misconceived.

This petition is disposed of observing that no doubt the Court has discretion to release a person against his own bonds in the exercise of discretion under Section 441 (1) (2) & (3) Cr.P.C, but since the petitioner is ready to offer surety of a person who has already furnished surety bonds in other complaints, it is ordered that in case the petitioner furnishes surety bond of a person who is already surety for the petitioner in another complaint, the trial Court shall accept the surety subject to its satisfaction regarding he being a sound surety.

The petition is dismissed with above said liberty without prejudice to the rights of the petitioner to avail the benefit of provisions of Section 205 Cr.P.C., if so advised.

August 11, 2015.
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(M.M.S. BEDI)
JUDGE