

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

**C.R.M-M No.28306 of 2015
Date of Decision : 24.08.2015**

Kamal Kumar Sharma

..... Petitioner

Versus

M/s Food Art Hospitality Private Limited

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S. Rai, Sr. Advocate
with Mr. Karan Pathak, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order whereby the non-bailable warrants have been issued against him.

The petitioner was facing a complaint under Section 138 of the Negotiable Instruments Act. On 01.06.2015 he made a statement before the Court that he would make the entire payment of Rs.11 lacs on 31.07.2015 and if he unable to make that payment his statement be treated as his confession. On 31.07.2015 he made a further payment of Rs.2 lacs and prayed for more time. It was in that context that the trial Court has taken the impugned action.

The petitioner who is present alongwith learned senior counsel

has stated that actually when he made the statement on 01.06.2015 he had on the anvil a deal to sell some agricultural land but that deal fell through. When I pointedly asked him as to from where and in how much time would he be able to give the money, he has stated that he would pay an another amount of Rs.3 lacs by 01.09.2015 and pays the entire outstanding amount alongwith whatever costs and interest which this Court may deem fit on or before 30.09.2015.

In the circumstances, it is directed that the petitioner shall appear before the trial Court on the date fixed i.e. stated to be 25.08.2015 and the trial Court shall release him on interim bail till 01.09.2015. In case the petitioner deposits the remaining amount of Rs.3 lacs on that date for payment to the complainant, his interim bail will be extended till 30.09.2015. The trial Court will also quantify the amount which the petitioner is liable to pay towards costs/interest on 01.09.2015 after issuing notice thereof to the complainant. It is made clear that in case the entire amount is not paid as per the above time schedule, this revision petition would be deemed to be dismissed.

Petition stands disposed of in the above terms.

A copy of this order be given to the learned counsel for the petitioner under the signatures of the Bench Secretary.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

August 24, 2015
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(AJAY TEWARI)
JUDGE