

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-5644 of 2015

.....

Date of decision:23.2.2015

Anurag

...Petitioner

v.

State of Haryana and another

...Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. R.K. Handa, Advocate for the petitioner.

.....

**Inderjit Singh, J.**

This petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 10.12.2014 (Annexure-P.6) passed by learned Additional Sessions Judge, Ambala in FIR No.285 dated 1.8.2013 registered for the offences under Sections 420, 406, 506 and 120-B IPC at Police Station Mahesh Nagar, District Ambala.

I have heard learned counsel for the petitioner and have gone through the record.

As per the facts of the case, in the above said FIR, Mr. Kamlesh Gupta, Advocate for the complainant made statement (Annexure-P2) in the Court on 17.2.2014 that accused-respondent No.2 Janak Raj had given them two cheques amounting to ₹32 Lacs and assured them that these cheques would be encashed within two months. Thereby, they had no objection in

granting bail to the accused.

It is stated that as per this no objection, the learned Judicial Magistrate Ist Class, Ambala, vide order dated 17.2.2014 granted the bail to respondent-Janak Raj. Then on the dishonour of these cheques, an application was filed for cancellation of the bail and the Court of learned Judicial Magistrate Ist Class vide detailed order dated 5.11.2014 cancelled the bail granted to accused Janak Raj.

A revision petition was filed before the learned Additional Sessions Judge, Ambala, who set aside that order vide order dated 10.12.2014 and allowed the criminal revision petition.

From the record, I find that the petitioner has filed this petition under Section 482 Cr.P.C. This Court is to interfere only in the order if any miscarriage of justice has taken place. From the record, I find that the cheques in question have already been given to the complainant on 24.1.2014 even before the arrest of the accused/private respondent in this petition, who was arrested on 29.1.2014. Then after the arrest, accused/respondent No.2 remained in Police custody for a period for two days till 2.2.2014. Thereafter, he remained in judicial custody for long time and then he was granted bail. The learned Additional Sessions Judge, Ambala has correctly reached to the conclusion that the bail can be cancelled if any new incident took place relating to other agreement or the accused attempts to tamper with any evidence or threatens witnesses or indulges in similar activities which would hamper smooth trial. The learned Additional Sessions Judge held that the accused was attending the trial regularly and never misused the bail granted by the trial Court.

Otherwise also, I find that the order of cancellation of the bail by the learned Judicial Magistrate Ist Class, Ambala, only on the ground that the two cheques, which were given by the accused to the complainant even before his arrest, have been dishonoured, is no ground to cancel the bail. The accused during the proceedings of the bail application has not given those cheques nor he has made any such proposal before the Court. It was for the complainant, who was having the cheques for more than 20 days earlier of making the statement before the Court raising no objection for grant of bail. Otherwise also, the FIR is only for the offences under Sections 420, 406, 506 and 120-B IPC. The accused-respondent No.2 has already remained on Police remand and then was in judicial custody for a substantial period after the cancellation of the bail and by keeping the accused in custody till the disposal of the main case, no purpose will be served. In no way, passing of the order by the learned Additional Sessions Judge, Ambala setting aside the order passed by the learned Judicial Magistrate Ist Class, Ambala, amounts to miscarriage of justice.

Therefore, finding no merit in the petition, the same is dismissed.

February 23, 2015.

**(Inderjit Singh)**  
**Judge**

\*hsp\*