

CRM-M-15437-2016

Date of Decision : 26.08.2016

Ajay Sharma @ Sarju Pandit @ Ajay Pandit

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. R.S. Rai, Senior Advocate with
Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Ajiteshwar Singh, Advocate
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Apresh Garg alleging that he had extended a loan of Rs.2 crores to the petitioner for a period of five years and to secure the return of the interest and the loan amount, four post dated cheques were issued by the petitioner in favour of the complainant.

Grievance of the complainant is that the cheques on being presented were dishonoured and returned with the remarks "Account stands closed on 18.01.2013."

Learned counsel for the petitioner has contended that neither the petitioner nor the complainant are residents of Haryana and the FIR has been got registered for extraneous reasons in Haryana. Proceedings under Section 138 of the Negotiable Instruments Act stand initiated on the basis of the dishonoured cheques at Delhi.

On the instructions of ASI Chain Singh, learned State counsel informs that pursuant to the interim orders, the petitioner has joined investigation.

After hearing counsel for the petitioner, State counsel and counsel for the complainant, I am of the considered opinion that jurisdiction and maintainability of the criminal proceedings will certainly be a debatable issue. As the complainant has already taken effective steps to recover the amount, without expression of any opinion on merits, the petition is allowed. It is ordered that in case of arrest of petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the condition that petitioner will not tamper with the evidence or hamper the investigation in any manner.

Nothing said in this order will effect the right of the petitioner or the complainant during the course of the investigation or the trial.

(M.M.S. BEDI)
JUDGE

26.08.2016

Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No