

Sr. No. 226

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

**CRM No. M- 1632 of 2016 (O&M)
Date of Decision: 04.04.2016**

Kapil Bansal

..Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ashish K. Gupta, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.57 dated 10.02.2014, under Sections 420, 406, 467, 468, 471, 201 of Indian Penal Code, registered at Police Station Camp Palwal, Haryana.

FIR came to be registered on the complaint of Mehar Chand with the allegations that he had advanced a loan of Rs.50 lac to the petitioner but the same has not been repaid and rather the petitioner has absconded and misappropriated the same. It was also the allegation that two cheques of Rs.25 lac each had been issued by the petitioner to discharge the financial obligation and upon presentation, the same have been dishonoured.

Petitioner has faced incarceration since 21.05.2014.

Investigation in the case is complete, challan stands presented and even the complainant has been duly examined before the trial Court. It is not the case made out on behalf of the State that petitioner would be in a position to hamper the course of trial if granted the benefit of bail.

Even though the prayer made in the present petition is vehemently opposed by learned State counsel by stating that the petitioner is involved in a number of cases in which there are similar allegations yet counsel appearing for the petitioner would submit that he is on bail in each one of them.

It would be pertinent to take note of the submission made by counsel for the petitioner that upon dishonouring of the two cheques, complainant had initiated proceedings under the Negotiable Instruments Act and in relation to one cheque the complaint was dismissed for non-prosecution and no application has been filed for revival of the same. Insofar as the other cheque is concerned, the petitioner has already been acquitted vide judgment dated 21.07.2015 passed by the learned Judicial Magistrate 1st Class, Palwal at Annexure P-1.

The offences cited against the petitioner are triable by a Court of Magistrate.

Keeping in view the length of incarceration already suffered by the petitioner and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate,

Palwal.

Disposed of.

04.04.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE