

**CRM-M-27823-2014 (O&M)**

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

**CRM-M-27823-2014 (O&M).  
Decided on: February 16, 2016.**

**Tek Ram Dahiya**

**..... Petitioner(s)**

**Versus**

**State of Haryana**

**..... Respondent(s)**

**\* \* \***

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

**PRESENT Mr.Vikram Singh, Advocate,  
for the petitioner.**

**Mr.G.S.Salwara, DAG., Haryana.**

**Mr.N.S.Shekhawat, Advocate,  
for the complainant.**

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

Petitioner apprehending arrest in a case registered at the instance of Meenakshi Rathi, seeks the concession of pre-arrest bail.

As per the allegations of complainant, the petitioner had obtained a sum of Rs.22,25,000/- from the complainant under pretext of selling a plot and also effected an agreement with the complainant. On coming to know about the act of cheating, the complainant convened a Panchayat where the petitioner allegedly admitted his guilt and issued two cheques of Rs.15 lac and Rs.7.5 lac. The said cheques on presentation were dishonoured. Claiming

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that the complainant has been cheated, the FIR was lodged by the complainant against the petitioner.

Counsel for the petitioner has submitted that two complaints under Section 138 of the Negotiable Instruments Act have been filed by the complainant. The petitioner has returned the amount due to the complainant vide bank drafts copies of which have been placed on record. Today, another cheque of Rs.1,72,000/- has been handed over to the counsel for the complainant in the Court today.

Counsel for the petitioner has submitted that the entire amount along with additional amount stands already paid to the complainant. The matter after mediation proceedings has been received back.

It has been further submitted by counsel for the petitioner that in view of the matter having been compromised, the complainant is required to withdraw her complaints as the matter has been compounded.

Counsel for the complainant has submitted that the complainant would be entitled to recover interest over and above the amount which has now been paid by the complainant as the amount had been paid in 2012.

Suraj Bhan husband of the complainant present in the Court has admitted that the amount received by the complainant is in lieu of the amount which was subject matter of the complaints

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under Section 138 of the Negotiable Instruments Act. He has also stated that the amount given to the petitioner could have attracted higher interest had this amount been invested at some other place.

After hearing counsel for the petitioner and the complainant, it appears that at present the dispute existing between the parties is only in the nature of civil liability as complainant demands amount of interest on the amount which has already been received during pendency of the present petition and the two criminal complaints under Section 138 of the Negotiable Instruments Act. It does not appear to be a case of custodial interrogation.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the condition that the petitioner will join investigation as and when required and will not tamper with the evidence or hamper investigation in any manner. It will be open to the petitioner to take appropriate defence in the proceedings under Section 138 of the Negotiable Instruments Act, of having already discharged the liability as mentioned hereinbefore.

**February 16, 2016.**  
**rka**

**(M.M.S. BEDI)**  
**JUDGE**