

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

**Criminal Misc.No.M-29309 of 2016 (O&M)
Date of Decision : 06th December, 2016**

Manish Garg

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.S.Sullar, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.

Mr. S.S.Sidhu, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

Petitioner has preferred this petition under Section 438 Cr.P.C.,
for grant of anticipatory bail in case FIR No.150 dated 04.07.2016,
registered at Police Station Kotwali, Bathinda, District Bathinda, under
Sections 420, 406, 120-B IPC.

On 19.09.2016, this Court passed the following order:-

“The petitioner seeks grant of anticipatory bail. The parties are related to each other. As per the allegations, the petitioner-accused had to pay a sum of Rs.78 lacs to the complainant.

Counsel for the petitioner has argued that for those alleged dues, the complainant has already filed a petition under Section 138 of the Negotiable Instrument Act. As per him, the owed money is nowhere close to what has been mentioned in the cheque.

After lengthy arguments, it has been agreed that the matter will be referred to the Mediation Centre of this Court. However, prior thereto, the petitioner will create a fixed deposit of Rs.40 lacs in the name of the Court where the

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cheque bouncing case is pending and shall be deposited in that Court. This amount would be handed over to the party who is found entitled thereto. It is clarified that this amount does not reflect the merits of either party's claim. Let the deposit be made within two months.

Adjourned to 21.11.2016. Meanwhile, in the event of his arrest, the petitioner be released on interim anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions of Section 438 (2) of the Cr.P.C.

Counsel for the complainant has fairly agreed that till the next date, they would seek an adjournment in the cheque bounce case.”

Thereafter when the matter was taken up on 21.11.2016, time had been sought by the counsel for the petitioner and at that time counsel for complainant has vehemently argued that the petitioner was taking the complainant as well as the Court for a ride. He had never appeared before the Investigating Officer. However, last opportunity was granted on the repeated request of the learned counsel for the petitioner.

Even today, the position is the same.

In these circumstance, I have come to the conclusion that the petitioner has obtained the order of interim bail by making false statement and by giving false undertaking. In my opinion, he does not deserve the concession of bail.

Consequently, the instant petition stands dismissed.

(AJAY TEWARI)
JUDGE

06th December, 2016
mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No