

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

**CRM-M No.35920 of 2016 (O&M)
Date of decision : 15.11.2016**

Vishal Saini Petitioner

versus

Jaswinder Singh and another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.B.S.Chugh, Advocate for
Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.

Mr. N.S.Behgal, Advocate
for the complainant-respondent No.1.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in complaint case No.806/2 dated 08.10.2012 for offence under Section 138 of the Negotiable Instruments Act, 1881 in which the petitioner has been declared proclaimed person vide order dated 18.05.2015 by the JMIC, Ambala.

On 06.10.2016 the following order was passed :-

“This is a petition for grant of anticipatory bail to the petitioner.

Learned counsel for the petitioner has argued that the petitioner inadvertently could not appear before the learned

trial Court after 07.02.2016 and now he wants to join the trial. Learned counsel for the petitioner also states that the petitioner is ready to suffer cost and also make a deposit to cover the interest for the period during which the trial has been delayed with the stipulation that in case the complaint is dismissed that amount be refunded back to him.

I find this to be a fair request.

Notice of motion for 15.11.2016.

Respondent No.2-complainant be served by way of dasti process through the counsel appearing before the learned trial Court for the date fixed.

Meanwhile, the petitioner is directed to appear before the the learned trial Court on 15.11.2016 and on doing so, he shall be released on interim bail by the learned trial Court to its satisfaction.”

Learned counsel for the complainant states that he has no objection to this course of action suggested on the last date. The cheque amount was Rs.4,50,000/-.

In the circumstances, the petitioner is directed to make a fixed deposit of Rs.40,000/- in the name of the trial Court. In case the complaint is dismissed the amount in that deposit shall be handed over to the petitioner. In case the complaint is allowed that amount would be handed over to the complainant alongwith whatever other fine or compensation the Court may deem it fit to impose. Apart therefrom the petitioner is liable to pay costs of Rs.10,000/- to the complainant. On the fulfillment of both these conditions by the next date the interim bail granted by the trial Court

shall be confirmed, failing which the bail would obviously be dismissed.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

15.11.2016

pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No