

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

1. CWP No. 24044 of 2015 (O&M)
Date of decision: 10.05.2016

P.D. Lakhani

....Petitioner

Versus

Union Bank of India and others

....Respondents

2. CWP No. 7796 of 2016
Date of decision: 10.05.2016

Suman Lakhani

....Petitioner

Versus

Union Bank of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. R.S. Rai, Sr. Advocate, with
Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Sumit Batra, Advocate,
for respondent No.1 (in CWP No. 24044 of 2015)

Mr. S.K. Biriwal, Advocate,
for respondent No. 3 (in CWP No. 24044 of 2015)

Mr. Sandeep Goyal, Advocate,
for respondent No.6 (in CWP No. 24044 of 2015)

Mr. Rajneesh Chadwal, DAG, Haryana.

Paramjeet Singh Dhaliwal, J. (Oral)

This order will dispose of petitions bearing CWP Nos.
24044 of 2015 and 7796 of 2016 as common questions of law and
facts are involved therein. However, facts are being extracted from
CWP No. 24044 of 2015.

The instant writ petitions have been filed under Article 226 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus, certiorari and prohibition to the effect that different complaints under Section 138 of the Negotiable Instruments Act, pending before different JMICs, Faridabad filed by private respondents be transferred to one Court of competent jurisdiction at Faridabad.

Brief facts of the case are that number of complaints have been filed against the petitioners under Section 138 of the Negotiable Instruments Act, which are stated to be pending in various Courts of Judicial Magistrate Ist Class in District Faridabad.

Learned counsel for the petitioners contends that the petitioners will have to appear on different dates, granted by the various Courts. The petitioners, P.D. Lakhani and Suman Lakhani, both husband and wife, are the only accused in all the complaints. Another contention raised by learned counsel for the petitioner is that for the purpose of bail there may be difficulty in arranging number of person (approximately 45) for giving surety.

I have considered the contentions raised by learned counsel for the petitioners and perused the paper-book.

I am not going into the merit of the case. The Chief Judicial Magistrate of the concerned district is empowered under Section 410 of the Cr.P.C to withdraw the case from the Judicial Magistrate and entrust the same to other Courts or one Court. The petitioners can avail the remedy before that Court. If the petitioners

still feel aggrieved, they can approach the Sessions Judge, who can exercise powers under Section 408 of the Cr.P.C.

So far as the other contention of learned counsel for the petitioners regarding arranging the sureties is concerned, in case the petitioner is granted bail, it is for the concerned Court to consider the soundness of the person standing surety. If the concerned Court feels that a person is sound enough, then there will be no prohibition and his surety can be accepted for other complaints also by the Court to its satisfaction but he will have to file affidavit giving details of the cases he had earlier stood surety.

The present petitions are disposed of with aforesaid observations.

10.04.2016
PA

(Paramjeet Singh Dhaliwal)
Judge