

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38541 of 2016
Date of Decision: 20.11.2017

Vinay Kumar Dhawan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

Mr. I.S. Sagu, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 178 dated 17.04.2016 registered for offences punishable under Sections 406 and 420 of Indian Penal Code (for short 'IPC'), at Police Station Central Faridabad, District Faridabad.

Heard.

On 17.12.2016, petitioner was allowed interim bail on the submission of learned counsel for the petitioner, recorded in first para of order, which reads as follows:-

“Learned counsel for the petitioner states that apart from the merits of the case, the matter has been compromised and the amount has been settled as ₹54,20,000/- out of that ₹3,00,000/- has already been paid; ₹10,00,000/- has to be paid by 31.12.2016, ₹22,00,000/- shall be paid on 15.04.2017 and ₹19,20,000/- shall be paid on 15.11.2017.”

Learned counsel for complainant submits that after 17.12.2016, petitioner has not made any payment to complainant. He had issued cheques towards part payment of the amount agreed to be paid, which also got dishonoured, when presented to bank for payment and complaint under Section 138 of Negotiable Instruments Act has been filed against the petitioner.

Learned State counsel endorses the submission made by learned counsel for complainant and submits that as per inquiry made by investigating officer, payment of only ₹7 lacs has been made by the petitioner and he has not paid agreed amount of ₹54,20,000/-.

None has appeared for the petitioner to rebut the submissions of learned State counsel and learned counsel for complainant.

In view of above, the instant petition is dismissed.

November 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

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Much after disposal of petition, Mr. Keshav Pratap Singh, Advocate has put in appearance on behalf of the petitioner and submits that he was busy before some other Bench, as such, could not appear when the case was taken up. He, however, could not refute the submissions of learned counsel for the petitioner and learned State counsel about non-payment of entire amount of ₹54,20,000/- by petitioner and has confined his submission only for marking his presence at this stage. He further submits that after taking instructions, he will file fresh application/petition, if so required.

November 20, 2017
jk

(SURINDER GUPTA)
JUDGE