

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-22200 of 2017
Date of decision : July 30, 2018

Dalip Wadhawan

....Petitioner

versus

M/s Hansa Tubes Pvt. Ltd and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. G.S.Jagpal, Advocate, for the petitioner
Mr. Rakesh Gupta, Advocate, for respondent no. 1
Ms. Ashima Mor, APP for UT Chandigarh

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail application moved by accused-petitioner Dalip Wadhawan.

The brief facts are that complainant M/s Hansa Tubes Pvt. Ltd. filed a criminal complaint under sections 138 read with section 141 of the Negotiable Instruments Act against the accused side including petitioner on the grounds that the complainant as well as the accused had business dealings and during which in discharge of and acknowledgment of outstanding liability accused have issued cheque bearing No. 021599 dated 13.12.2014 for a sum of Rs 56,93,489/- drawn on ING Vysya Bank Limited,

Ludhiana Branch. On the assurance of the accused, it is alleged that the complainant deposited the said cheque in his account in ICICI Bank Ltd. but the same was dishonoured on account of insufficiency of funds. Upon necessary procedure, the accused was summoned.

Heard Mr. G.S.Jagpal, Advocate, for the petitioner; Mr. Rakesh Gupta, Advocate, for respondent no. 1; Ms. Ashima Mor, APP for UT Chandigarh and perused the records.

This Court earlier vide orders dated 19.6.2017 had allowed interim bail to the petitioner with the stipulation to appear before the learned trial court on the date that was fixed. One of the reasons for allowing interim bail was the contention of the counsel for the petitioner that compromise has been arrived at between the parties by way of Annexure P/2 but subsequently on 21.8.2017 the complainant side has taken up the plea that no compromise has been effected between the parties and it was subterfuge set up by the petitioner to seek relief and as is reflected from the orders of this Court dated 19.9.2017 on the assertion of the complainant side it was found out that the petitioner has misled the Court and in fact he had already been declared a proclaimed offender and thus leading to recall of the orders of interim bail vide orders dated 30.11.2017 passed by this Court and since then as is there the claim of the two sides, the petitioner has failed to appear before the court below and has tried to circumvent due process of law and violating the terms of the interim bail as well. The overall conduct of the petitioner smacks of deception and contrivance and therefore,

disentitles him to any indulgence by this Court by way of anticipatory bail whereby he has even put the trial to hold. Thus, finding no merit in the present petition for anticipatory bail, the same is hereby dismissed.

July 30, 2018
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>