

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

**Criminal Misc. No. M-28139 of 2017
Date of decision: 05.10.2018**

Dinesh Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Pratibha Yadav, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana
for the respondent-State.

Mr. D.S. Matya, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

While issuing notice of motion on 03.08.2017, following order
was passed: -

*“ Ld. counsel for the petitioner gives a categorical
statement at the bar that no cheque amount was received
by his client nor deposited in his client's account.*

*Co-accused in the case has already been granted
bail by the Ld. Court below.*

Notice of motion for 18.10.2017.

*On the asking of the Court, Mr. D.R. Singla,
Deputy Advocate General, Haryana, accepts notice on
behalf of the respondent-State. Let a copy of the paper-
book be supplied to him during the course of the day.*

*Meanwhile, in the event of arrest, the petitioner
shall be released on interim bail subject to his furnishing
personal and surety bonds to the satisfaction of
Arresting/Investigating Officer. However, the petitioner
shall join the investigation as and when called upon to*

do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel submits that wrong contention was raised by learned counsel for the petitioner at the time of issuing notice of motion and interim order was passed in favour of the petitioner. The petitioner is getting benefit of that interim order till date. It was contended by learned counsel for the petitioner that no cheque amount was received by the petitioner nor it was deposited in his account whereas cheque was issued in favour of the petitioner and the same has been encashed also. The petitioner cannot claim parity as his co-accused has been released on regular bail not the anticipatory bail.

Learned counsel for the petitioner submits that the submission was made by earlier counsel and not by her.

The submission of learned counsel for the petitioner is not accepted as the contention was raised qua the petitioner and not qua counsel. Apparently, it is mis-statement and mentioning of wrong facts.

No ground is made out to release the petitioner on anticipatory bail.

Dismissed.

In case, the petitioner is claiming parity with co-accused, he is at liberty to avail the appropriate remedy of regular bail after he surrenders before the trial Court.

05.10.2018
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No