

CRM-M-34164 of 2018

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

CRM-M-34164 of 2018
Date of Decision: 12.09.2018

Manish Chawla

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amit Choudhary, Advocate, for the petitioner.
Mr. Vikramjit Singh, Addl. A.G., Haryana.
Mr. Rajesh Lamba, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner Manish Chawla in a case arising from FIR No.364 dated 16.07.2018 registered under Sections 406, 420, 467, 468, 471 and 120-B IPC at Police Station Kotwali, District Faridabad.

According to the prosecution, petitioner borrowed a friendly loan of ₹1,90,000/- from the complainant which was lent to him through cheque No.35629 of ICICI Bank, Faridabad. Thereafter, petitioner got encashed the said cheque but in connivance of officials of ICICI Bank did not present the same to the bank. However, later on petitioner misused the said cheque by filling it up for ₹14,50,000/- and presented the same to bank for encashment. However, the same was dishonoured for want of “sufficient funds”.

Learned counsel for the petitioner *inter alia* contends that petitioner is in custody since 06.08.2018. Conclusion of trial may take a sufficient long time. No useful purpose would be achieved by detaining the

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petitioner in jail any more.

Smt. Rimpi Chawla, wife of the petitioner has filed affidavit in Court today, which is taken on record, stating that she or her firm of which she is sole proprietor will not file any complaint under Section 138 of the Negotiable Instruments Act or initiate any other legal proceedings against the complainant with regard to aforesaid cheque No.35629. The same shall be treated to have been cancelled for all intents and purposes.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

September 12, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No