

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4470-2018

Date of Decision:16.03.2018

Sandeep Sharma

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Pradeep Virk, Advocate,
for the petitioner.

Mr. Baljinder Singh Virk, D.A.G., Haryana.

Mr.P.S.Punia, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioner seeks the concession of anticipatory bail, upon FIR no.1077 having been registered against him at Police Station Sadar, Gurugram, alleging therein the commission of offences punishable under Sections 406, 420 and 506 IPC.

When the petition came up for hearing on 05.02.2018, the following order was passed by this Court:

“Present: Mr. Pradeep Virk, Advocate, for the petitioner.
Mr. P.S. Punia, Advocate for the complainant.

...

Learned counsel for the petitioner submits that actually the issue arises out of a dispute between the petitioner and his landlord, who is stated to be an XEN in the HVPNL at Gurugram.

When this Court was in the process of issuing notice, Mr. P.S. Punia, Advocate, appears for the complainant and submits that as a matter of fact the intention of the petitioner is not seen just from the fact that the cheques issued by him from time to time in respect of the rent to be paid bounced, for which in any case separate

proceedings are pending under Section 138 of the Negotiable Instruments Act, 1881, but also from the fact that even as regards the address given in the present petition (H.No.207, Shashi Apartment, Sector-31, Gurugram), the petitioner does not actually reside there, which can be verified from the fact that even in the complaint pending under the Negotiable Instruments Act, the same address has been given, but the petitioner has never been served at that address (he not actually residing there).

Hence, he submits that the petitioners' intentions of playing a fraud are very clear.

Notice of motion be issued to the respondent.

On the asking of the Court, Mr. Surender Singh, learned AAG, Haryana, accepts notice on behalf of the respondent-State.

A copy of the petition be handed over to him during the course of the day, as also to learned counsel for the complainant.

Adjourned to 12.02.2018.

Learned counsel for the complainant would place on record in the meanwhile the orders passed in the proceedings pending under the Negotiable Instruments Act, to show that the petitioner has never been served of the notice issued at the address given in the present petition also.

The learned State counsel shall also bring forth the details of other criminal cases (if any) decided or pending against the petitioner, as also the complainant.”

Thereafter, on 12.02.2018, the following order was passed:

“Present : Mr. Pradeep Virk, Advocate for the petitioner.
Mr. B.S. Virk, DAG, Haryana.
Mr. P.S. Punia, Advocate for the complainant.

Learned counsel for the petitioner, other than submitting that he is now ready to furnish bail bonds before the trial Court and also apologising for giving the wrong address in the memo of parties of this petition, submits that the petitioner is

willing to settle the matter with the complainant in the FIR.

It is seen that furnishing of bail bonds and the apology to this Court for furnishing the wrong address in this petition is coming after the observations made by this Court in its order dated 05.2.2018.

Be that as it may, learned counsel for the complainant and the petitioner, upon having conferred with each other, are ad idem that the matter can be settled between the parties and that the petitioner would pay the entire amount of Rs.1,60,000/- to the complainant within a period of one month from today.

Learned counsel for the parties are also agreed that a compromise deed would be placed on record by the next date of hearing.

That being so, adjourned to 16.3.2018.

The petitioner be not arrested till the next date of hearing.”

Today, when the matter was taken up for hearing, learned counsel for the petitioner at the outset sought 4 days more time to pay the amount of Rs.1,60,000/- (Rupees one lakh sixty thousand only), to the complainant.

Mr.Punia, learned counsel for the complainant, on the other hand submits that the petitioner never ever made an attempt in the past one month to make any kind of payment to the complainant and on the other hand has instituted a complainant before the Area Magistrate, Gurugram, on 06.03.2018 against the complainant (Joginder Hooda), Sub Inspector Raj Kumar of the CIA staff, Sector 39, Gurugram and Sumit Kumar, Deputy Commissioner of Police (Crime), Gurugram, making various allegations against them as regards the house in question.

On query to learned counsel for the petitioner he, initially, on inquiry from the petitioner, submitted that the said complaint had been filed in view of the fact that earlier the petitioner had sought sanction for

instituting the complaint against the complainant and the other two accused in the complaint (all being Government servants) and since a six 6 month period had expired, without sanction being granted, the complaint was instituted.

He submits that the petitioner is not willing to withdraw the said complaint, even though he would pay Rs.1,60,000/- to the complainant, which Mr. Punia submits is only a ruse/excuse, no attempt whatsoever having been made by him in the past one month, to try and settle the dispute.

That being so, and the petitioner not even having honoured the commitment given before this Court on the last date of hearing, also having given a wrong address in the memo of parties both before this Court as also before the trial Court seized of proceedings in the complaint instituted by the present complainant against the petitioner under the provisions of Negotiable Instruments Act, 1881, the bonafides of the petitioner are wholly in doubt.

Learned counsel for the complainant has further submitted that there are several other criminal complaints registered against the petitioner under the provisions of Negotiable Instruments Act, 1881, in some of which, after his conviction he compromised the matter, and in others proceedings are still going on.

In view of the above, without making any comment on the actual merits of the case, I see no reason to entertain this petition, which is consequently dismissed and the interim order is vacated.

Disposed of.

March 16, 2018
dharamvir/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO