

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7662 of 2018

Date of Decision: 04.07.2018

Rajesh Malhan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rose Gupta, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. K. Vardhan Verma, Advocate
for Mr. Sandeep Kotla, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.425 dated 12.06.2017 registered for the offence punishable under Section 420 of Indian Penal Code (for short, "IPC") at Police Station DLF Sector 29, Gurgaon.

Heard.

Learned State counsel on instructions from SI Mool Chand submits that petitioner had purchased a vehicle from the complainant, who is a dealer of Hyundai vehicles against cheque no. 637230 dated 29.11.2016 for an amount of ₹26,15,000/-. Delivery of the vehicle was made to the petitioner but aforesaid cheque on presentation was dishonoured. The petitioner gave another cheque no. 637233 dated 17.12.2016 amounting to ₹28,71,000/-, which was again dishonoured. This cheque was again

presented but even second time it was not honoured by the bank and the matter was reported to the police.

The petitioner was arrested in this case on 04.10.2017 and is in custody since then. The vehicle given to the petitioner has already been taken into possession by the police and released on *superdari* to the complainant. After completion of investigation, challan has been presented against the petitioner where 2 out of 13 witnesses are stated to have been examined.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rajesh Malhan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 04, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No