

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.102

CRM-M-62067-2018

Date of decision : 21.12.2018

Nishant Sharma

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. BS Randhawa, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.436 dated 11.9.2018, registered at Police Station Baldev Nagar, District Ambala, under Sections 406/420/467/471 IPC.

According to the FIR, the complainant gave money to the brother of the petitioner for getting him employed in the Railways. However, no job was secured for him and therefore, he demanded refund of his money. The petitioner promised to pay a sum of Rs.1.6 lacs on behalf of his brother and a cheque for the said amount was issued in favour of the complainant, but the said cheque was dishonoured.

Learned counsel for the petitioner submits that on account of dishonor of the cheque, the complainant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881, which was dismissed. Thus, the petitioner has been falsely involved in the present FIR and he deserves the concession of anticipatory bail.

A perusal of the judgment of the Court, which tried the complaint under Section 138 of the aforementioned Act shows that the said complaint was dismissed on account of the fact that the complainant failed to prove that any money had been advanced by him to the petitioner. This

does not mean that the petitioner had not issued a cheque in discharge of the liability of his brother. Consequently, it cannot be said that the allegations in the FIR are false.

Thus, there is no merit in the present petition and the same is accordingly dismissed.

At this stage, counsel for the petitioner submits that in case the petitioner surrenders before the trial Court and seeks regular bail, the trial Court be directed to decide the same within a period of 10 days.

Ordered accordingly.

(SUDHIR MITTAL)
JUDGE

21.12.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No