

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-3550 of 2019

Date of Decision: 25.01.2019

Anish Khanna

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. H.N.Sahu, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner in criminal appeal i.e. CRA/364/2016 titled as “Rimple Khanna ad Another v. M/s Lap Home Pvt. Ltd.”, pending in the Court of learned Additional Sessions Judge, Gurugram, wherein vide order dated 10.12.2018 bail of the petitioner was cancelled and his bail bonds were forfeited to the State.

Learned counsel representing the petitioner contended that originally, complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed for the cheque amount of Rs.15,00,000/- and thereafter, the matter was settled for Rs.17,00,000/-, out of which, petitioner has already made payment of Rs.6,00,000/- to respondent No.2/complainant. Learned counsel further contended that petitioner is ready to make payment of the balance amount of the cheque and some amount on account of interest and

his appeal is pending before the learned Additional Sessions Judge, Gurugram. Learned counsel submitted that on 10.12.2018, bail of the petitioner was cancelled as he failed to put in appearance in the learned lower Appellate Court on account of some urgent work. More so, petitioner is ready to appear before the learned lower Appellate Court and settle the matter.

In view of above, present petition stands disposed of with the directions to the petitioner to surrender before the learned lower Appellate Court and on his doing so, the learned Additional Sessions Judge shall consider the bail application, if any, filed by the present petitioner within a period of one week from today and admit him to bail on his furnishing fresh bail bonds and surety bonds to the satisfaction of the learned lower Appellate Court. However, the learned Additional Sessions Judge shall complete the proceedings under Section 446 Cr.P.C. against the petitioner.

(Shekher Dhawan)
Judge

January 25, 2019
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No