

**Sr. No.101**

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

**CRM-M-16312-2019(O&M)**

**Date of decision:11.04.2019**

**Sheo Chand Sarpanch**

**.....Petitioner**

**versus**

**Kartar Singh and another**

**.....Respondents**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

**Present:** Mr. Himanshu Rao, Advocate  
for the petitioner.

**Rajbir Sehrawat, J(Oral)**

Present petition has been filed claiming to be the first petition under Section 438 of Cr.P.C, for grant of anticipatory bail. However, Registry has pointed out that earlier also the petitioner had filed CRM-M-26448-2018, which was allowed vide Order dated 26.06.2018. Therefore, the petitioner has not disclosed correct facts while filing the present petition.

Otherwise also, there appears to be a reason for not disclosing the correct facts by the petitioner, because earlier also the present petitioner had absented and had come before this Court by way of an application for anticipatory bail. The petitioner had furnished an undertaking that he would face the trial regularly without any default in future. Relying upon the undertaking given by the petitioner, the said petition was disposed of with a direction to the Trial Court to release him on bail, if the petitioner appeared before that Court. It appears that the petitioner was released on bail after he once appeared before the Trial Court. However, in total breach of undertaking furnished by the petitioner, earlier, he again absented from the

trial, which has led to cancellation of his bail by the Trial Court and initiation of proceedings under Section 82 of Cr.P.C. Therefore, the petitioner has tried to conceal the earlier part of the proceedings mentioned above.

The main case pertains to a complaint under Section 138 of Negotiable Instruments Act and the same is pending since 2016. The amount involved in the matter is about Rs.1 crore and 80 Lakhs, the liability qua which the petitioner is consistently trying to avoid. Otherwise also, the petition has been filed without there being any challenge to the Order of cancellation of bail passed by the Trial Court, or to the proceedings initiated against him under Section 82 Cr.P.C. Hence, this Court does not find itself inclined to interfere in the matter.

Accordingly, the present petition is dismissed.

**11<sup>th</sup> April, 2019**

**Shivani Kaushik**

**[RAJBIR SEHRAWAT]  
JUDGE**

*Whether speaking/reasoned*      *Yes/No*

*Whether Reportable*              *Yes/No*