

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

1. CRM-M-18053-2019

Devender Sandhu

...Petitioner

Versus

State of Haryana and another

...Respondents

2. CRM-M-17693-2019

Kewal Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

Date of decision: 27.05.2019

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravinder Malik, Advocate
for the petitioner in CRM-M-18053-2019.

Mr. Pankaj Bali, Advocate
for the petitioner in CRM-M-17693-2019.

Mr. Himmat Singh, DAG, Haryana.

Mr. Rakesh Sobti, Advocate
for the complainant in both cases.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

These petitions have been filed under Section 438 of the Code
of Criminal Procedure for grant of anticipatory bail to petitioners Devender

Sandhu, Kewal Singh and Vijay Kumar in FIR No. 243 dated 30.03.2019, registered under Sections 406, 420, 506 and 34 of the IPC at Police Station Model Town, Panipat.

Learned counsel for the petitioners submit that in pursuance to the orders dated 24.04.2019 and 18.04.2019, the petitioners have already appeared before the SHO/Investigating Officer and have joined investigation.

Learned State counsel, on instructions from ASI Rajpal Singh, has not disputed the factual position and submitted that the petitioners have joined investigation and are no more required for any further investigation.

However, learned counsel for the complainant has submitted that the petitioners have taken diesel oil to the tune of ₹12 Lakh and the cheques issued by the petitioners have bounced.

Learned counsel for the complainant further submitted that two other FIRs are pending against petitioner Kewal Singh, i.e. FIR No. 147 dated 24.06.2009 under Sections 279, 304-A IPC, PS-Matlauda, Panipat and FIR No. 640 dated 20.11.2016, under Sections 323, 506, 34 IPC, PS-Gharaunda, Karnal, and three FIRs are pending against petitioner Devender Sandhu i.e. FIR No. 454 dated 22.08.2005 and FIR No. 1 dated 01.01.2006, both under Section 61 of the Excise Act, PS-Gharaunda, Karnal and FIR No. 833 dated 18.11.2018, under Sections 323, 341, 34 IPC and Sections 25, 54, 59 of the Arms Act, PS-Gharaunda, Karnal, however, learned counsel for the complainant could not dispute the fact that these FIRs pertain to different persons and are not related to the complainant.

Considering the fact that it is the own case of the complainant that there is a business dispute between the parties in which the cheques

issued by the petitioners for the purpose of making payment against their outstanding liability have bounced, therefore, the complainant has a remedy to approach the competent court for filing complaint under Section 138 of the Negotiable Instruments Act or for filing a suit for recovery.

In view of the above, these petitions are allowed and the interim bail granted to the petitioners, vide orders dated 24.04.2019 and 18.04.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of other connected case.

27.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No