

CRM-M-24523-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision: September 24th, 2020

Sunil Bajaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. HARMINDER SINGH MADAAN

Present Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

HARMINDER SINGH MADAAN, J. (ORAL)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner – Sunil Bajaj son of Krishan Lal, aged about 55 years, resident of Barsat Road Chungi, Panipat, who is an accused in FIR No.35 dated 23.02.2019, under Sections 406, 420, 120-B of IPC, 1860 (Section 201 of IPC, 1860, added later on) registered at Police Station Israna, District Panipat.

Reply filed by the official - respondent, which is taken on record.

Briefly, the prosecution story is that the complainant firm has been dealing in manufacturing of blankets under the name of M/s Nile Overseas in Sector-12, HUDA, Panipat. Petitioner – accused Sunil Bajaj had purchased blankets worth Rs.1,47,34,010/- from the complainant firm

and paid the price partly leaving balance amount of Rs.83,78,829/-. The accused had issued cheques in that amount in favour of the complainant firm but on presentation of the cheques, the same were dishonoured. According to complainant, the accused had duped him. On the basis of said allegation, formal FIR was registered in the matter. Accused was arrested in this case. He has filed an application for regular bail before the Court of Sessions at Panipat, which was assigned to Additional Sessions Judge, (Fast Track Court) Panipat, who vide order dated 17.08.2020 dismissed the same. Feeling aggrieved, the petitioner has approached this Court praying for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that even from the perusal of the FIR, no criminal offence against the petitioner is made out. Rather, it is a case of civil liability. At best it could be taken that the cheques issued by the petitioner – accused in favour of the complainant had been dishonored, for which the complaints under Section 138 of the Negotiable Instruments Act, could have been filed by the complainant against the petitioner – accused and FIR could not have been lodged. The FIR has been wrongly got registered against the petitioner by the complainant, who is an influential person and petitioner be granted bail in this case. Whereas, learned State counsel has contended that the petitioner – accused is a habitual criminal and he is involved in numerous criminal cases as evident from the perusal of the custody certificate placed on file by

him. The petitioner was declared proclaimed offender in four cases, for which FIR Nos.29 and 30 of 2010 were registered against him under Section 174-A of IPC at Police Station Chandni Bagh, Panipat; FIR No.1063 of 2017 and FIR No.470 of 2019 were registered under Sections 174-A of IPC at Police Station City Panipat. He is an accused in FIR No. 591 of 2018 for offence under Section 420, 406, 120-B, 201 and 34 of IPC, registered with Police Station Quila, District Panipat, FIR No.134 of 2018, for offence under Sections 406, 420, 467, 468, 471, 120-B and 201 of IPC, Police Station Quila, District Panipat. As such, he does not deserve to be released on bail because if such concession is granted to him, there is every possibility of his absconding and tampering with the prosecution evidence.

After hearing the rival contentions, I find that keeping in view the several criminal cases including private complaints under Section 138 of the Negotiable Instruments Act and FIR cases, in which the petitioner – accused is involved, no case for grant of regular bail to such person is made out. The apprehension expressed by the state counsel that if the petitioner granted the concession bail, his likelihood of his absconding and trying to tamper with the prosecution evidence cannot be taken likely more particularly when four FIRs have been registered against him for having been declared as proclaimed offender in criminal cases. Therefore, the petition under reference is bound to fail, the same, stands dismissed accordingly. However, with regard to request for grant of interim bail keeping in view his ailments, it is observed that in case the Jail Authority find that in absence of adequate medical facilities being available in the

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District Jail, Panipat or the local hospital at that place, they may shift the petitioner to PGIMS, Rohtak or some other medical institute for his treatment but he is to be kept confined for that purpose. On request made by the Jail Authorities, SP of the said District shall make available the adequate number of police officials for putting them on duty there.

The present petition stands dismissed.

September 24th, 2020
Nisha

(H.S. Madaan)
Judge

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No