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

**CRM-M-17779-2021
Date of decision-22.11.2021**

AMIT SHARMA

...Petitioner

Vs.

BHARAT SHARMA AND ANR

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Rinky Gupta, Advocate for
Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure read with Section 482 Cr.P.C. for grant of anticipatory bail in criminal complaint No. COMA/4572 of 2018 dated 31.10.2018 titled as Bharat Sharma Versus Amit Sharma, under Section 138 Negotiable Instruments Act, 1881 pending in the Court of Ld. Addl. Chief Judicial Magistrate, Bathinda. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.05.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-14295-2021:

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Application is allowed as prayed for.

Copy of the order dated 09.05.2019 passed by the learned JMIC, Bathinda is taken on record as Annexure P-5.

Application is disposed of.

Main case:

Instant petition has been filed under Section 138 Cr.P.C. read with Section 482 Cr.P.C. seeking concession of pre-arrest bail in criminal complaint bearing No.COMA/4572 of 2018 dated 31.10.2018, titled as Bharat Sharma Vs. Amit Sharma filed under Section 138 of the Negotiable Instruments Act, pending in the Court of ld. Additional Chief Judicial Magistrate, Bathinda.

Counsel submits that vide order dated 09.05.2019 passed by the ld. JMIC, Bathinda at Annexure P-5, petitioner was admitted to bail subject to the condition of making good the interim compensation of 20% of the cheque amount within a period of 60 days.

It is contended that on account of certain medical issues, petitioner could not arrange the 20% of the cheque amount which otherwise was of Rs.80,500/-

Counsel argues that offence under Section 138 of the Negotiable Instruments Act is otherwise bailable and the intent of the petitioner was not to evade the trial proceedings and he is ready and willing to deposit 20% of the cheque amount within a period of 10 days from today.

Notice of motion, returnable for 13.09.2021.

In the meanwhile, in case the petitioner surrenders before the trial Court/Duty Magistrate within a period of 10 days from today and furnishes the 20% of the cheque amount, he would be entitled to interim protection subject to satisfaction of the trial Court/Duty Magistrate, concerned.”

Learned counsel for the petitioner states that pursuant to the order dated 17.05.2021, the petitioner submitted himself before the trial Court on 17.09.2021, who was admitted on interim regular bail. He has also deposited 20% of cheque amount by way of FDR of Rs. 16,100/- (i.e. 20%

of cheque amount of Rs. 80,500/-)

The above position is not disputed by the learned State counsel.

Considering the above, the petition is allowed and it is ordered that the petitioner shall remain on regular bail and on the same bail bonds/surety bonds furnished by him before the trial Court on 17.09.2021.

(MANOJ BAJAJ)
JUDGE

22.11.2021

Vipin kumar

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