

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

114+253

**CRM-26420-2021 in/and
CRM-M-30175-2021
Date of Decision:24.08.2021**

Rajat Mankotia

....Applicant/Petitioner

Versus

M/s S.G. Enterprises

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Vivek Salathia, Advocate for applicant/petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

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This is an application under Section 482 Cr.P.C. for placing on record document Annexure P/29 as well as for exemption from filing certified copy thereof.

Document (Annexure P/29) is taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

This petition under Section 482 Cr.P.C. has been moved by petitioner seeking directions to the Trial Court to release him (petitioner) on his furnishing one personal bond with one surety in all 15 criminal complaints under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as “the Act”), as detailed in Para No.4 (iv) of the petition, being arisen out of the same transaction.

Notice issued to respondent-complainant not received back either served or otherwise.

Learned counsel for petitioner *inter alia* contends that petitioner being Managing Director of firm under the name and style of “M/s Mankotia Frozen Foods Private Limited”, entered into agreement dated 16.08.2018 with respondent-complainant, in terms of which, the said firm had agreed to purchase Poultry Supplements from respondent-complainant and in order to secure payment, respondent-complainant had obtained nineteen (19) blank cheques from petitioner. He further submits that thereafter, the contractual relations between the parties became strained on account of delay and further as the quality of products supplied by respondent-complainant was not upto the mark. He further submits that without informing petitioner, respondent-complainant misused all the nineteen (19) blank cheques by making material alterations therein. He further submits that thereafter, respondent-complainant has instituted fifteen (15) separate complaints under Section 138 of the Act against petitioner. He further submits that all the cheques were given by petitioner by way of security in respect of single transaction and he (petitioner) has been summoned in all the fifteen (15) complaints, out of which twelve (12) complaints are pending before Sub Divisional Judicial Magistrate, Safidon, District Jind, whereas three (3) complaints are pending before Judicial Magistrate Ist Class, Safidon. He further submits that petitioner had appeared in one of the complaints, bearing Complaint No.NACT/ 226/2019

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and furnished his bail bonds, however, at that point of time, the petitioner was not aware of pendency of fourteen (14) other complaints. He further submits that it would be virtually impossible for the petitioner to arrange separate sureties in all fourteen (14) complaints, as complainant is clearly misusing the process of law by filing separate complaints instead of filing conjoint one.

Relying upon orders dated **20.11.2013**, **18.10.2019** and **12.08.2021** passed by this Court in **CRM-M-39185 of 2013**, **CRM-M-38296 of 2019** and **CRM-M-32636-2021** respectively, learned counsel for petitioner contends that petitioner may be permitted to furnish single surety for a proportionately higher amount, by the same person who stands surety for him.

I have heard learned counsel for petitioner and carefully gone through the record of the case.

In view of above, this petition is disposed of with direction to the Trial Courts to allow petitioner to furnish one solvent surety to the extent of total of the amount for which the surety bond would be directed to be furnished in all the complaint cases, as detailed above. Petitioner will furnish Valuation Certificate of the property of the surety and would also apprise the Trial Courts as to in how many cases, he is surety for petitioner or for any other person, as the case may be.

(LALIT BATRA)
JUDGE

24.08.2021

Varinder Prashad

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