

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

CRM-M-37361-2021 (O&M)

Date of decision: 22.12.2021

Vikas Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

Ms. Sehaj Sandhawalia, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks grant of regular bail in case bearing FIR No.145 dated 31.07.2021, registered under Section 420 IPC, at Police Station Dina Nagar, District Gurdaspur.

Learned counsel for the petitioner submits that the cheques in dispute were given as security cheques, in lieu of the payment which was due towards the complainant from the petitioner; that in total the petitioner has paid the complainant an amount of Rs.5,27,65,800/- on various dates; that the petitioner has been in custody since 12.08.2021; that similarly placed co-accused, namely, Rohit Sharma, stands granted anticipatory bail vide an order of even dated passed by this Court and that as far as the dishonoured cheques are concerned, the complainant has already initiated proceedings under Section 138 of the Negotiable Instruments Act, 1881. He further states

that the challan has already been presented.

Learned State counsel vehemently opposes the prayer for bail. However, he does not dispute the factum of the custody period of the petitioner and presentation of the challan.

Learned counsel for the complainant, however, submits that that the petitioner along with co-accused, have cheated the complainant and played a fraud upon him; that in the civil suit filed by the petitioner, he had sought return of the cheques in question, whereas in the present petition, he concedes the initiation of the proceedings under Section 138 of the Negotiable Instruments Act.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.08.2021. Similarly placed co-accused Rohit Sharma stands granted concession of bail vide an order of even date passed by this Court. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

22.12.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No