

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

**Criminal Writ Petition No. 10586 of 2021 (O&M)
Date of Decision: 15.11.2021**

Bhupinder

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Arun Gupta, Advocate, for
Mr. Pankaj Bali, Advocate, for the petitioner.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner entered into an agreement to sell with co-respondent Nos. 5 & 6. However, since the petitioner discovered, that the latter do not valid title to the property concerned, hence, the apposite contract of sale drawn amongst the petitioner, and, co-respondent Nos. 5 & 6 rather became cancelled.

2. Moreover, since at the time of the contract of the sale becoming executed, inter se, the petitioner and co-respondent Nos. 5 & 6, some sale consideration, as earnest money, was transferred from the petitioner to co-respondent Nos. 5 & 6, hence, after cancellation of the agreement to sell, co-respondent Nos. 5 & 6, returned the earnest money, to the petitioner not in cash, but through issuance of cheques, co-equivalent to the amount of earnest money received, by them, from the petitioner. However, the cheques concerned on their presentation before the Bank were dishonoured. Therefore, the petitioner lodged a criminal complaint under Section 138 of Negotiable Instruments, Act, before the learned Magistrate concerned.

3. The learned counsel for the petitioner, raises a grievance, that since the respondents concerned are influential persons, therefore, they are pressurizing the petitioner to withdraw the complaint, and, the petitioner also is nursing a grievance, that the respondents concerned are threatening against his deposing, before the learned Magistrate concerned, besides, is being meted threats against leading / adducing his evidence.
4. The afore grievance can become mitigated, upon, directions being made to the learned Magistrate concerned, to ensure to make application of mind, on the petitioner's application, as presented before him, with respect to threatenings, meted to him, to withdraw his complaint (supra), or to adduce his evidence, and, to direct the authorities concerned to deploy adequate security, from the home of the petitioner upto the Court premises, and, thereafter to leave him back to his home. Moreover, the learned Magistrate to enable the witnesses concerned, to depose freely, is directed, to in his wisdom, make orders for providing security also to the witnesses concerned.
5. Disposed of, accordingly.

November 15, 2021

(SURESHWAR THAKUR)
JUDGE

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<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>