

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

CRM-M-49579-2021 (O&M)

Date of decision: 26.11.2021

Sanjeev Kumar

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in CRA-177-2019 pending before the Court of learned Additional Sessions Judge, Karnal, arising out of complaint No. 321/2017 (CIS No. N.I. ACT/0000311/2017) titled as Supreme Securities Ltd. Vs. Sanjeev Kumar, under Sections 138 and 142 of the Negotiable Instruments Act, 1881, decided vide judgment dated 02.02.2019, by the learned Judicial Magistrate 1st Class, Karnal.

Learned counsel for the petitioner submits that in the aforesaid complaint case, the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881, vide judgement dated 02.02.2019 and sentenced to undergo rigorous imprisonment for a period of one and a half year and further to pay a compensation equivalent to cheque amount of Rs. 25,59,965/- to complainant-respondent No. 2 and in default thereof, to further undergo rigorous imprisonment for a period six months.

He further submits that during the pendency of the appeal preferred by the petitioner, the matter was settled between the complainant and the petitioner and it was agreed that the petitioner would pay a sum of Rs. 15,00,000/- to the complainant, who would hand over the NOC of the vehicle to the petitioner. Accordingly, the statement was made by the petitioner and the representative of the complainant-respondent No. 2 qua the payment and receipt of Rs. 1,50,000/- before the Appellate Court, on 31.08.2019.

He further submits that thereafter, the petitioner also paid part amount on different dates and the same was also admitted by complainant-respondent No. 2. Thereafter, the petitioner could not arrange more money, due to Covid-19 Pandemic and even could not appear before the Court, but till date he has paid Rs. 7,50,000/- approximately to the complainant in total. On 17.09.2021 bailable warrants of the petitioner were issued for 19.10.2021, but somehow, the petitioner could not appear before the Court and ultimately, warrants of arrest were issued for 02.11.2021, and the same is now pending for 09.02.2022.

The petitioner is still ready to pay the remaining amount as agreed, to show his bona fide, and also undertakes to pay a sum of Rs. 4 lakh on the first date of appearance before the Appellate Court, if interim protection is granted to him.

Notice of motion to the respondent-State only at this stage.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to appear before the Appellate Court and to pay an amount of Rs. 4 lakh by way of a Demand Draft to the complainant, on 13.12.2021, if the said amount is paid by the petitioner, he shall be released on anticipatory bail to the satisfaction of learned Appellate Court, subject to furnishing of bail and surety bonds to the satisfaction of the Appellate Court.

26.11.2021

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No