

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

(201)

CRM-M-50238-2019.
Date of Decision:-27.10.2021.

Pardeep Kumar Bhateja

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajinder Kumar Singla, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

Mr. Namit Gautam, Advocate
for respondent No.2/complainant.

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in COMA No.6740 of 2016 titled as Mohan Singh Cheema Vs. Pardeep Kumar Bhateja filed on 06.07.2016 under Section 138 of the Negotiable Instruments Act, which is pending before the learned Judicial Magistrate First Class at Ludhiana for 06.12.2019.

Learned counsel for the petitioner has submitted that in the present case, vide order dated 07.05.2019 (Annexure P-8) on account of the non-appearance of the petitioner, the bail bonds of the petitioner were cancelled and non-bailable warrants were issued. It has been submitted that in the present case, the cheque amount is of Rs.15,00,000/- and an amount

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of Rs.3,50,000/- has already been paid by the petitioner and the petitioner is also ready to pay a further amount of Rs.5,45,000/-, and to show his bona fide, learned counsel for the petitioner has furnished a demand draft bearing No.028415 in the name of the complainant and prays that the order dated 07.05.2019 (Annexure P-8) vide which his bail bonds have been cancelled and non-bailable warrants have been issued, may be set aside.

Learned counsel for the petitioner further undertakes that the petitioner would appear on each and every date before the trial Court unless specifically granted exemption by the trial court and would also not delay the proceedings.

Learned counsel for respondent No.2/complainant has submitted that in the present case, the cheque amount was of Rs.15,00,000/- and the statement was made on 06.03.2017 by the petitioner that he was ready to pay the said amount on or before 15.04.2017. Learned counsel for respondent No.2/complainant has referred to various zimini orders, vide which the matter was repeatedly adjourned and even cost was imposed but the petitioner had not made the payment. It is only on 01.03.2018 that an amount of Rs.3,50,000/- was paid. It is further pointed out that the submissions made in the order dated 27.09.2018 (Annexure P-6) in the earlier petition filed by the petitioner to the effect that the petitioner is ready to abide by his undertaking before the trial Court to pay the entire cheque amount to the complainant are factually incorrect and even the timeline as stated in the said order was not met over. It is submitted that the act and conduct of the petitioner does not entitle him to any concession, but however, on account of the fact that he is ready to pay an amount of Rs.5,45,000/- regarding which, demand draft has been handed over to the

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learned counsel for respondent No.2/complainant, the order dated 07.05.2019 (Annexure P-8) may be set aside but the petitioner be directed to appear before the trial Court on each and every date, unless a specific exemption is granted with a further direction that the petitioner should not delay the proceedings. It is further submitted that for the purpose of finally settling the matter, learned counsel for respondent No.2/complainant would have to seek instructions from his client.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that learned counsel for the petitioner has handed over demand draft for an amount of Rs.5,45,000/- to the learned counsel for respondent No.2/complainant, although, the conduct of the petitioner has not been proper, this Court feels that in the interest of justice, the order dated 07.05.2019 (Annexure P-8) be set aside.

Accordingly, the order dated 07.05.2019 is set aside, subject to the fact that the petitioner would appear on each and every date of hearing before the trial Court, unless specifically granted exemption by the trial Court and would also not delay the proceedings.

Needless to state that it will always be open to the parties to finally settle the matter.

In view of what has been discussed hereinabove, the present petition is disposed of accordingly.

(VIKAS BAHL)
JUDGE

October 27, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No