

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

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**CRM-M-27100-2019
Date of decision: 14.07.2022**

M/S MAAN ENTERPRISES

.....Petitioner

VERSUS

M/S AMIRA PURE FOODS PVT. LTD. AND ORS.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Arun Bansal, Advocate with
Mr. Anubhav Bansal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 read with Section 227 of the Constitution of India raising a challenge to the order dated 30.03.2019 (Annexure P-7) by the Judicial Magistrate First Class, Panipat whereby the concession of bail has been granted to the respondent in proceedings instituted under Section 138 of the Negotiable Instruments Act, 1881. The relevant extract thereof is reproduced hereinafter below:-

Order dated 30.03.2019

File requisitioned from the records as accused Rajesh Arora (declared proclaimed person vide order dated 15.12.2018 appeared before the Court.

Case restored.

An application (IA No. 1 of 2019) is filed by accused Rajesh Arora for surrender-cum-bail.

It is submitted by the defence counsels that a Civil Writ Petition No. 26571 of 2017 is pending before the

Hon'ble High Court at Chandigarh wherein the accused was directed to deposit a certain amount and the State was directed to take no coercive action against the accused.

Ld. counsels for the accused submitted that accused has deposited the amount in compliance of the order of the Hon'ble High Court. Copy of the orders also placed on record.

Complainant with his counsel also present in the Court.

Both sides heard. Bail application as well as orders passed by the Hon'ble High Court perused.

*The offence is bailable. Accused appeared for the first time. Thus, he is admitted to bail on furnishing bail bonds in sum of 50,000/- with one surety in ₹ the like amount. **IA No. 01 of 2019 disposed of.***

Ld. counsel for the accused requested for releasing the accused on personal bonds stating that a heavy amount has been deposited before the Hon'ble High Court and since the accused was in custody in some other case, it is not possible for him to arrange sureties in all the cases restored today on appearance of the accused.

*Keeping in view the fact that the matter is also pending before the Hon'ble High Court and the offence is bailable in nature, accused is released on personal bonds with **direction to furnish surety bonds on the next date of hearing.***

Personal bonds furnished, accepted and attested.

Since the matter is listed before the Hon'ble High Court on 02.05.2019, the case is adjourned to 18.05.2019 for further proceedings.

2. Learned counsel appearing on behalf of the petitioner has raised an argument that numerous proceedings against the respondent-accused had been instituted and as such, taking into consideration his

previous conduct and the amount which he owes to various persons, the bail in question ought not to have been granted to the petitioner. The aforesaid submission advanced by the learned counsel for the petitioner does not convince the Court. The offence for which the petitioner was required to be prosecuted is under Section 138 of the Negotiable Instruments Act and the same is bailable offence. Once the accused appears before the Court and is willing to satisfy the conditions as may be so imposed by granting bail, the concession of bail cannot be declined. Furthermore, the circumstances for cancellation of bail are altogether different. No such factum regarding any fraud having patent illegality or regularity on the face of the order has been displayed. Moreover, the order in question was passed in the year 2019 and there has been no allegation that he has misused the concession so granted to him.

3. In the given circumstances, I find no valid ground to subsist for cancellation of the bail granted to the respondent-accused vide order dated 30.03.2019 (Annexure P-7) in proceedings under Section 138 of the Negotiable Instruments Act, 1881.

The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 14, 2022

Vishal sharma

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