

212-A

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

CRM-M-35496-2022

Date of decision : 21.12.2022

Bahadur Singh @ Bahadur Chauhan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishal Sharma, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Gautam Dutt, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in the case bearing No.NACT-4317-2017 dated 27.03.2017 registered under Sections 138 and 142 of the Negotiable Instruments Act, 1881, District Gurugram.

On 10.08.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer is for grant of anticipatory bail to the petitioner in case bearing No. NACT-4317 of 2017 dated 27.3.2017 titled Trim India Private Limited v. BRM Developers Pvt. Limited and another under Sections 138 and 142 of Negotiable Instruments Act.

Counsel for the petitioner submits that the aforesaid

criminal complaint is pending in the Court of learned JMIC, Gurugram and he was granted bail in the said criminal case. However, later on, nonbailable warrants of arrest of the petitioner have been issued. Counsel for the petitioner submits that the petitioner is ready to join the investigation with the trial Court even subject to costs, if any, imposed by the Court.

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of the State.

Now be listed on 29.11.2022.

Admittedly, the offence under Section 138 of Negotiable Instruments Act is a bailable offence and from the perusal of the Annexure P-12 to P-17, it appears that some compromise has been effected between the parties as per which, certain amount is to be paid by the petitioner to the complainant by a particular date.

In view of the above, the petitioner is hereby directed to appear before the trial Court within next 15 days and on his appearance, the petitioner is directed to be released on interim bail by the said Court to its own satisfaction subject to deposit of Rs.10 lakhs by the petitioner with the said Court which will be subject to the final decision of the present petition.

Sd/-(KARAMJIT SINGH)

JUDGE

August 10, 2022”

Thereafter, on 29.11.2022, a Coordinate Bench of this Court had passed the following order:-

“Counsel for the petitioner apprised the Court that in compliance of previous order, amount of Rs.10 lakh has been deposited and the petitioner joined the proceedings before the trial Court.

Counsel for the complainant made prayer that let the

present petition be adjourned to 12.12.2022 i.e. the date already fixed in the connected matter.

Now be listed on 12.12.2022.

Interim order to continue.

To be listed along with CRM-M-454-2021.

Sd/-(KARAMJIT SINGH)

JUDGE

November 29, 2022 ”

Learned counsel for the petitioner as well as the complainant have submitted that the matter has been finally compromised between the parties and a copy of the said compromise dated 21.12.2022 has been taken on record in the connected matter i.e. CRM-M-454-2021 as Mark “A” and the parties have undertaken to be bound by the said terms of compromise. It is further submitted that the petitioner has, in pursuance of order dated 10.08.2022 passed by the Coordinate Bench of this Court, appeared before the trial Court and thus, pray that the present petition may kindly be allowed and the interim order dated 10.08.2022 be made absolute.

Learned State Counsel has submitted that the present anticipatory bail application has been filed in proceedings under Section 138 of the Negotiable Instruments Act, 1881 and thus, the primary contest is between the petitioner and complainant.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the abovesaid facts and circumstances, more so the fact that the matter has been finally settled and the petitioner, in pursuance of order dated 10.08.2022 passed by the Coordinate Bench, has appeared before the trial Court, the present petition is allowed and interim

order dated 10.08.2022 is ordered to be made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

21.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No