

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

214

CRM-M-50470-2022 (O&M)

Date of Decision: 22.12.2022

SAURABH SHARMA

... Petitioner

Versus

STATE OF UT CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Naveen Malik, Advocate
for the petitioner.

Mr. JS Toor, APP UT Chandigarh.

Mr. Sahil Parmar, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

CRM-49379-2022

This is an application for amending the petition and for placing on record the amended petition.

Notice of the application.

On the asking of this Court, Mr. JS Toor, PP UT Chandigarh and Mr. Sahil Parmar, Advocate for the complainant accept notice and submit that they have no objection, if the present application is allowed.

In view of the above, the present application is allowed.

Amended petition is taken on record.

Registry is directed to tag the same at an appropriate place.

CRM-M-50470-2022

Through this petition, the petitioner seeks regular bail in case bearing FIR No.163 dated 05.09.2022, registered under Section 420 IPC, at Police Station Industrial Area, Chandigarh.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner had already returned the amount by way of cheque, which on presentation bounced; that the complainant has issued a legal notice under Section 138 of the Negotiable Instruments Act, 1881, alleging therein that only an amount of Rs.67,000/- is due towards the petitioner and that, as far as two other cases registered and/or pending against the petitioner are concerned, he is on bail, as compromise was effected in the said cases. She further submits that the petitioner has been in custody since 07.09.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant do not dispute the custody period of the petitioner.

Learned counsel for the complainant submits that the petitioner has duped the complainant to the tune of Rs.5,50,000/-, out of which Rs.3,50,000/- was directly transferred in the account of the petitioner and that the petitioner has not returned a single penny till today. He further submits that the petitioner is a habitual offender, inasmuch as, two more cases are registered against him, though he is on bail in the said cases. Thus, he prays for dismissal of the present petition.

Learned State counsel submits that post presentation of the challan, the prosecution evidence is to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.09.2022. In other cases, the compromise was effected and the petitioner has been granted regular bail. As per the learned counsel for the petitioner, in the legal notice issued under Section 138 NI Act, by the complainant, he has stated that only an amount of Rs.67,000/- is due from the petitioner. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

22.12.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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