

CRM-M-3041-2023

DECIDED ON: 25.01.2023

SALINDER PAL @ SURINDER KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Aman Joon, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The petitioner has filed petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.694, dated 21.07.2022, under Sections 406, 420 and 379 IPC (Sections 467, 468 and 471 IPC added later on) registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner contends that the complainant is the proprietor of a firm namely M/s Narender Gorsri having its registered office at Shop No.1, Near HDFC Bank, Vasant Vihar, Karnal with whom the petitioner came in contact along-with proprietor of another firm M/s Raman Nanda of Panipat, both deal in construction of Roads of PWD and Mandi Board etc., and applied for the Government tender together for which the petitioner was offered to pay 33% of profit of all the work done by them. The assertion is that the petitioner has spent a huge amount of money for the purchase of material, which was used in the construction of roads. The petitioner continued to work with the complainant and another firm M/s Rama Nand till December, 2018. The alleged dispute arose at the time of settling the account. A postdated cheque amounting to Rs.44,18,000/- towards the outstanding dues was paid to the petitioner on 30.05.2022. The said cheque was returned by the Bank of Baroda, on 02.06.2022 with the remarks "Funds Insufficient".

It is contended that once the complainant came to know about the dishonour of the afore-said cheque, in order to avoid his liability, he made the present complaint, which is totally baseless having no iota of truth in it. In fact the present complaint is a counter blast to the complaint moved by the petitioner under Section 138 of Negotiable Instruments Act, 1881 for which a legal notice was served on 30.06.2022 and finally a complaint was filed on 19.07.2022. The petitioner is in judicial custody since 17.09.2022.

Notice of motion.

On the asking of Court, Mr. Ashok Kumar Sehrawat, DAG, Haryana appearing on advance notice accepts the same and submits that challan stands presented in the present case but charges are yet to be framed.

Keeping in view afore-said facts coupled with the facts that custodial interrogation of the petitioner is not required, the conclusion of the trial is likely to take time, this Court is of the considered view that the case is apparently seems to be a counter blast.

Hence, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

(SANDEEP MOUDGIL)
JUDGE

25.01.2023
Poonam Negi/sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>