

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5878-2024
Date of Decision:12.02.2024

Sahil Kumar Kainth ...Petitioner
Vs.
State of Haryana ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Manpreet Singh Bhatti, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Jitender Verma, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. With a prayer to grant anticipatory bail to the petitioner in case FIR No.36 dated 01.06.2023 under Sections 406, 420, 468 and 471 IPC registered at Police Station Chandimandir, District Panchkula (Anneuxre P-1).
2. Learned counsel for the petitioner submits that the petitioner had no concern at all with the complainant in the present case and he never had dealings with the petitioner. Learned counsel further contends that the complainant had allegedly made the payments to co-accused namely Shubham Verma, who has been granted the concession of anticipatory bail by this Court. He further contends that the petitioner had allegedly handed over two cheques of Rs.7,00,000/- each, however, the same were dishonored

and the complainant has already availed the remedies under Section 138 of the Negotiable Instruments Act. He further contends that the custodial interrogation of the petitioner may not be required in the present case. Without admitting his guilt, the petitioner has offered to deposit a sum of Rs.5,00,000/- with the trial Court/Duty Magistrate/Area Magistrate within a period of three weeks from today, just to show his bona fides.

3. On the other hand, [Ms. Sheenu Sura, DAG, Haryana](#) assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that one more case of similar nature has been registered against the present petitioner. Apart from that, an amount of Rs.13.40 lacs is still outstanding and the petitioner does not deserve the concession of anticipatory bail by this Court.

4. I have heard learned counsel for the parties and perused the record, this Court is of the considered opinion that the present petition is liable to be allowed by this court.

5. In the present case, the petitioner had handed over two cheques of Rs.7,00,000/- to the complainant, however, the same already stand dishonored and the complainant has already filed complaints under Section 138 of the Negotiable Instruments Act against the present petitioner. Apart from that, the co-accused Shubham Verma has already been granted the concession of anticipatory bail by this Court vide order dated 20.11.2023 (Anneuxre P-3).

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2)

of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

7. The petitioner is directed to deposit a sum of Rs.5,00,000/- with the trial Court/Duty Magistrate/Area Magistrate within a period of three weeks from today. The concerned Court is directed to deposit the said amount in a fixed deposit in some nationalized bank, fetching maximum rate of interest, subject to outcome of the trial.

8. In case the amount of Rs.5,00,000/- is not deposited by the present petitioner, the present petition shall be deemed to be dismissed without any reference to this Court. It is further clarified no extension of time shall be granted to the present petitioner.

12.02.2024
M.Sikka

(N.S.SHEKHAWAT)
JUDGE

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