



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

CRM-M-7893-2023

Date of Decision : **30.07.2024**

PARDEEP KUMAR BANSAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CRM-M-7894-2023

PARDEEP KUMAR BANSAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vikram Singh, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Baljinder Singh, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Since both the petitions are arising out of a common issue, therefore, being amenable for common decision, same are taken up together.

2. Through the instant petitions, the petitioner seeks quashing of order dated 02.02.2023, whereby, application seeking exemption filed by the petitioner who is facing trial in a criminal complaints no.NACT-619-2018 and NACT-618-2018, filed under Section 138 of the Negotiable Instruments Act, 1881, was declined, and his bail was

cancelled, and his bail bonds were ordered to be forfeited to the State and consequently, the non-bailable warrants were issued against him.

3. What Surfaced from a perusal of the impugned order (*supra*), is that the on earlier occasion, the petitioner made a statement that he will clear all the amount outstanding against him, and he will make the entire payment to respondent no.2/complainant, in case one last and final opportunity is granted to him. On the next date fixed, the petitioner instead of making compliance to the aforesaid undertaking, filed an application for exemption, which was declined.

4. At the time of issuance of notice of motion, learned counsel for the petitioner *inter alia* submitted that the petitioner is ready and willing to pay the balance amount against the cheque in question, within a period of two weeks.

5. The petitions remained pending before this Court since 14.02.2023, and further the instant matter was also sent to the Mediation and Conciliation Centre of this Court, which did not yield any fruit.

6. Learned counsel for the petitioner submits that in fact during the pendency of the instant petitions before this Court, total outstanding amount Rs.19,17,500.00/- has been paid. He further submits that the petitioner has brought a demand draft of Rs.7,31,500.00/- drawn in favour of respondent no.2/complainant.

7. On the other hand, learned counsel for respondent no.2/complainant submits that in fact the petitioner is required to pay about Rs.15,10,867.00/-.

8. This Court has heard learned counsel for the parties concerned, and have gone through the case file.

9. This Court is not inclined to adjudicate this issue with regard to the amount payable by the petitioner, towards respondent no.2/ complainant. The only issue which is under consideration before this court is, whether, the impugned order passed by the learned trial court concerned, whereby, the bail of the present petitioner has been cancelled, holds legality or not.

10. Since the petitioner is ready and willing to discharge the entire liability of the disputed amount, and even if he does not discharge the said liability, the trial cannot be kept in abeyance. Therefore, this Court directs the petitioner to surrender before the learned trial Court concerned, within 10 days from today, and thereupon, petitioner shall be released on regular bail, upon his furnishing fresh bail and surety bonds in both the petitions, subject to satisfaction of that court. Thereafter, the learned trial court concerned shall proceed as per law in the complaint cases.

11. In the meanwhile, the arrest of the petitioner shall remain stayed.

12. However, in case, the petitioner fails to surrender before the learned trial Court concerned within 10 days from today, the protection granted hereinabove, *qua* her arrest shall *ipso facto* vacated, without further reference to this Court.

13. The petitioner is at liberty to deposit the cheque of Rs.7,31,500/- drawn in favour of respondent no.2/complainant before the learned trial court concerned.

14. In view of the above, the instant petitions are **disposed of**. However, both the parties are liberty to make submissions either on the issue of settlement of the balance amount or on the merits of the matter before the learned trial court concerned.

A photocopy of this order be placed on the file of the connected case.

July 30, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No