



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-25472-2025
Decided on : 25.08.2025

Mukesh Jain

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kapish Singla, Advocate
for the petitioner(s).

Mr. PK Jhanda, Sr. DAG, Haryana.

Ms. Jyoti Chahal, Advocate for
Mr. Ankit Chahal, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Petitioner has challenged the order dated 07.03.2025 passed by the Court of Learned Additional Sessions Judge, Sonipat, whereby the application filed by the petitioner under Section 439(2) CrPC / Section 483(2) of BNSS 2023 for cancellation of bail, having been granted by the same court vide its order dated 11.11.2024 (Annexure P-2), has been dismissed.

2. It is observed as under in the order dated 11.11.2024 (P-2), anticipatory bail to respondent no. 2 was granted by observing certain parameters. For reference, relevant paragraph No.8 of the order dated 11.11.2024, is reproduced here-under:-

“8. As per prosecution, the matter pertains to the non-payment of borrowed money, thus, the issue is essentially of civil



nature. As per prosecution, applicant-accused issued cheque No.112368 dated 27.01.2022, drawn at Corporation Bank, Sonipat, in favour of complainant, however, on presentation, the above said cheque was not found to be of legal tender, to which, applicant-accused claimed that he gave aforesaid blank cheque as security for some different transaction in the year 2012. Be that as it may, issuance of cheque is not disputed, and, the same is in possession of the prosecution, resultantly, the evidence to be corrected is also documentary in nature and the applicant-accused is ready to join the investigation. Thus, there is no need of custodial interrogation, as such, keeping in view the facts and circumstances, the anticipatory bail application moved by applicant-accused is hereby allowed and it is ordered that in case of arrest, the applicant shall be released on bail on his furnishing bonds to the satisfaction of arresting officer, on following terms and conditions:-

- (i). The applicant- accused shall declare his ordinary place of residence to concerned SHO and the mobile number being used by him.*
- (ii). That applicant-accused shall not leave the country during trial without seeking prior permission from trial court.*
- (iii). That applicant-accused shall cooperate in the investigation as and when required during bail.*

Copy of this order be sent to the concerned police station for information and necessary compliance. File be consigned.”

3. There is allegation by the petitioner regarding violation of some of the conditions incorporated in the order dated 11.11.2024 (P-2). Learned counsel submits that in regard to the date referred in the application in relation to issuance of cheques, the facts were misrepresented by the petitioner.

4. Said contention carries no weight. Once the allegations have been examined by the Court and observations are recorded. In fact, dispute actually appears to be of non-payment of borrowed money and is of civil nature.



5. Otherwise also, taking note of the contention of the petitioner for cancellation of bail, petition under Section 439(2) CrPC would not be maintainable, because if there is any error in the order of recording incorrect facts, the order would either be appealable or revisable.

Additionally, it is also informed to the Court that after granting of anticipatory bail, investigation has been completed by the investigating agency and final report in that regard has also been submitted. After submission of the final report, respondent No. 2 has been summoned by the court, and if at all the petitioner has any grievance, he may take recourse by filing an appropriate application before the Competent Court.

6. In view of the aforementioned circumstances, no meaningful purpose would be served by keeping the petition pending any longer, nor is there any weight in the submissions addressed by the Petitioner's Counsel. Accordingly, the petition is **dismissed**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

August 25, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No