

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

**CRM No. M-15222 of 2015
DECIDED ON: MAY 25, 2015**

SANJEEV KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. AG, Haryana.

JASPAL SINGH, J.(Oral)

Instant petition has been preferred under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner in case FIR No. 27 dated November 01, 2012 under Section 420 (subsequently added section 406 IPC) registered at Police Station Gurgaon Sadar, Gurgaon.

2. Briefly put the case of prosecution is that petitioner purchased iron rods from the complainant on August 08, 2014 amounting to 4,78,256/- and subsequently on August 20, 2014, he purchased iron rods (steel) amounting to 4,18,562/- by placing orders in different names from different mobile numbers. On the complaint lodged by complainant, investigation was initiated. During investigation, call details of mobile numbers as mentioned in the complaint were obtained and FIR under Section 420 IPC was registered against the petitioner. Subsequently, a compromise was arrived in

between the complainant and petitioner before Economic Offences Wing and at that time, petitioner confessed his guilt and to discharge his liability, issued five cheques to the complainant. When all the five cheques were presented for encashment by complainant, the same were dishonoured. Accordingly, offence under Section 406 was added later on.

3. The contention of learned counsel for the petitioner is that neither an offence under Section 420 IPC nor an offence under Section 406 IPC is made out from the allegations unfolded in FIR. In fact, neither petitioner ever purchased iron rods from complainant nor he entered into an agreement/compromise. He is innocent and has been falsely implicated by police officials in connivance with complainant. Otherwise, he has nothing to do with complainant. He even does not know the complainant. He has been made scapegoat in order to extract money. The real fact of the matter is that petitioner who is previously known to Ajay Gupta had introduced one Rajesh Oberoi to him and on the asking of Ajay Gupta, petitioner had given goods worth 2,00,000/- to Rajesh Oberoi. However, he did not pay the said amount. Ultimately, on August 20, 2014 said Rajesh Oberoi asked the petitioner to come to his shop, which was being run by him in the name and style of Shri Sham Traders and Rajesh Oberoi after taking money from the owner of said shop handed over 2,00,000/- to him. Even prior to registration of instant FIR petitioner was called upon by EOW, East, Sector 51, Gurgaon where he also got recorded his statement to the effect that he has received his money from Rajesh Oberoi in lieu of goods supplied to him at the shop of one Vijay Garg. On March 18, 2015, petitioner was present in his house alongwith his other family members when ASI Shoran Lal came and

criminally trespassed into his house. He also alleged that a case has been registered against him. At that time, he demanded illegal gratification from him. When he did not agreed to it, ASI Shoran Lal asked the petitioner to bring cheque book and took him and his wife to the office of complainant where he obtained signatures on mutual compromise as well as on five cheques. Petitioner is ready to join investigation and abide by all other terms and conditions imposed by this Court in case he is granted the concession of pre-arrest bail.

4. This court has given an anxious thought to the contention raised by learned counsel for the petitioner but does not find the same to be of any legal substance.

5. A false story has been cooked by the petitioner to wriggle out from the contents of FIR. A compromise has been duly executed by the petitioner in pursuance of which, he issued five cheques in order to discharge his liability. All the five cheques, on presentation, were dishonoured. No doubt, complainant has also a legal right to recover the amount of cheques by filing a regular civil suit but petitioner cannot be absolved of his liability to face the consequences for committing cheating and fraud with him.

6. In the given circumstances, custodial interrogation of petitioner is necessary to unearth all the ramifications involved in this case as well as to ascertain the *modus operandi* and his complicity in this case as well as in other criminal cases pending against him.

7. Keeping in view the afore-said facts this Court is of the considered view that since custodial interrogation of the petitioner is necessary and investigation is already under progress, this court does not

deem it a fit case for grant of pre-arrest bail to the petitioner. Accordingly,
instant petition is dismissed.

MAY 25, 2015
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(JASPAL SINGH)
JUDGE