

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

CRM-M No.19590 of 2015.

Date of Decision: July 03, 2015.

Jasvir Kumar @ Jasbir Kumar

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.37 dated 21.04.2015 under Sections 406 and 420 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Mahilpur, District Hoshiarpur.

The accusation against the petitioner was that he had taken an amount of Rs.6,50,000/- from complainant on the pretext that he would be sent to France. He failed to keep up the promise and also refused to pay

back the money. In the presence of Panchayat, he admitted having received the money from the complainant and assured to return the same alongwith Rs.20,000/- interest. He gave a cheque dated 30.01.2012 in the name of father of complainant but the cheque on presentation in the bank was dishonoured due to insufficient funds. Again a Panchayat was convened and in pursuance of assurance given by him to return the money, he paid Rs.3 lacs in small installments. However, he did not return the balance amount of Rs.3,70,000/-.

The complainant stated that he was apprehending threat to his life at the hands of the petitioner.

Heard the submissions made by Mr. Amit Dhawan, learned counsel representing the petitioner and Mr. Ashish Sanghi, learned Deputy Advocate General, representing the State of Punjab.

It was argued on behalf of the petitioner that no amount was paid to him. In fact, the complainant was dealing with a travel agent known as Rahul Gambhir and had paid money to him for being sent abroad. The said travel agent had defrauded the petitioner also as the cheque of Rs.5 lacs dated 26.07.2012 issued in his name had also bounced as the cheque issued in the name of Lemba Ram, father of the complainant. Alleging that there was no connection between the complainant and the petitioner and he had been falsely implicated, learned counsel prayed that the petitioner be given the concession of anticipatory bail.

Photocopy of the cheque of Rs.6,20,000/- allegedly issued by one Rahul Kumar Gambhir in the name of Lemba Ram, annexed with his

petition by the petitioner as 'P2' is undated. The petitioner has not explained how copy of the said cheque had come in his possession if he had no connection with the money paid by the petitioner for being sent abroad. In any case, there are specific and clear allegations against the petitioner in the First Information Report. The complainant has stated that in the presence of Panchayat the petitioner had admitted receipt of Rs.6,50,000/- from him and had even repaid to him Rs.3 lacs in small installments. As submitted by learned Deputy Advocate General, Punjab, amount of Rs.3,20,000/- is yet to be recovered.

In view of aforesaid facts and circumstances and without going into merits of the case, in my considered opinion, no ground for extending concession of anticipatory bail to the petitioner is made out and his petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

July 03, 2015
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