

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Crl. Misc. No. M-21759 of 2015

Date of decision: - 17.09.2015

Amit Malhotra

..Petitioner

Versus

State of U.T. Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Karan Nehra, Advocate,
for the petitioner.

Mr. Gautam Kaile, Advocate
for Mr. Rajiv Sharma, Advocate
for U.T., Chandigarh.

Mr. D.P.S. Randhawa, Advocate
for the complainant.

SHEKHER DHAWAN

Present petition filed under Section 438 Cr.P.C. for release of petitioner on anticipatory bail in FIR No.257 dated 15.05.2015, under Section 420 IPC, registered at Police Station, Sector 34, Chandigarh.

2. Relevant facts of the case that petitioner along with other co-accused Kuldeep Singh, Inderpreet Singh, Rakesh Chauhan and Shiv Kumar cheated the complainant Rajinder Kumar Thakur for ₹50 lacs by making a false promise to get him earned huge profit in crores.

3. As per order dated 09.07.2015, petitioner was directed to join the investigation. As per plea taken by learned State counsel that petitioner

as learned counsel for complainant urged that petitioner was not cooperating during the investigation proceedings and the recovery of balance amount of ₹24 lacs approx. has not been effected from him and his custodial investigation is required.

4. Learned counsel for the petitioner urged that petitioner has not been named in the FIR and no money was entrusted to him at any point of time. Learned counsel for petitioner is even ready to make the payment of additional amount of ₹2 lacs and same is handed over to counsel for the complainant. However, ₹26 lacs has already been deposited by the main accused. So, petitioner be released on bail.

5. Learned State counsel as well as learned counsel for complainant urged that an amount of ₹52 lacs was due, which was given to petitioner and co-accused. Remaining amount has yet to be recovered but petitioner is not cooperated and his bail application be dismissed.

6. Having considered the fact that petitioner is not named in the FIR and no evidence available on the file to suggest that any amount was actually paid to him. More so, petitioner has already joined the investigation. Moreover, a sum of ₹28 lacs (including ₹2 lacs paid today) stand deposited. No purpose shall be served by further custodial investigation in any way. As such, the instant petition for anticipatory bail is accepted and order dated 09.07.2015 is hereby made absolute.

September 17, 2015

naresh.k

(SHEKHER DHAWAN)

Judge