

In the High Court of Punjab and Haryana at Chandigarh

CRM M-23536 of 2015
Date of Decision: July 22, 2015

Kunwar Manjinder Singh Pannu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Ashim Aggarwal, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 176, dated 09.06.2015, under Sections 420, 506, 34, 467, 468, 471 of the Indian Penal Code, registered at Police Station Patti, District Tarn Taran.

At the outset, it may be mentioned that during the course of arguments, I expressed my view that I am not inclined to accept the arguments of the learned counsel for the purpose of pre-arrest bail. Upon this, learned counsel started arguing the case on merits. I warned the learned counsel for the petitioner that I have to deal with the contentions which may prejudice the right of the petitioner. But still learned counsel

continued to assert. In this situation, I have no option except to deal with the contentions of learned counsel for the petitioner on merit.

Learned counsel for the petitioner contends that as per the police investigation, cheques were issued for the purpose of security. The cheques were dishonoured on account of non-availability of funds in the personal account of the petitioner whereas the cheques were drawn in the name of J.S. Memorial Educational Trust only. The trust has not been named as an accused and the petitioner cannot be held liable for the same.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

So far as contention that cheques are for the purpose of security is concerned, no document has been placed on record to show that these are for the purpose of security.

So far as the contention that the cheques have been issued on behalf of the J.S. Memorial Educational Trust and petitioner is not personally liable, said contention cannot be accepted. Admittedly, petitioner is Chairman of the trust and authorised signatory of the trust. The cheques in question have been signed by the petitioner.

So far as the contention that the trust has not been impleaded as a party is concerned, there is categorical evidence that petitioner had approached the members of the Trust and asked the members of the trust to do the needful. There is specific reference to the trust. It is not necessary that names of all the alleged accused should be mentioned in the FIR. In

the present case, allegation of conspiracy has been levelled. The FIR is just to set the criminal law in motion.

If police has recorded a finding contrary to the documents on record or without any basis, such finding cannot be taken into consideration by the Court of law. Many a time by using pressure, such reports are procured from the police. Police should have substantiated the inquiry by bringing on record that cheques in question were only for the purpose of security and no document has been referred in the report to show that the cheques were for security. Even the petitioner has not annexed any document to indicate that the cheques were issued for the purpose of security.

Learned counsel for the petitioner further made reference to resolution. The same has not been signed by the complainant. Any document which has not been signed by the complainant is not binding upon him. Learned counsel further contends that the complainant himself was a member, but he has not signed any resolution in this regard or signed any of the proceedings. In fact, complainant was NRI. He has given entire money to the alleged trust of which the petitioner is a member.

Since there are serious allegations of cheating, forgery of documents and misappropriation, custodial interrogation is necessary.

In view of above, no ground for grant of anticipatory bail is made out.

Dismissed. However, to meet the ends of justice, it is

observed that any observation made hereinabove while dealing with the contentions of the learned counsel shall not be construed as an expression on the merits of case. It is only for the limited purpose of deciding this petition.

July 22, 2015
vk

[Paramjeet Singh]
Judge