

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 29265 of 2014 (O&M)

Date of decision : February 09, 2015

Abhishek Bhalla,

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kushagra Mahajan, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

Complainant in person.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.101, dated 28.6.2014, registered under Sections 420, 120-B of the IPC, at Police Station City Batala, District Gurdaspur.

On 11.11.2014, the following order was passed :-

“ The petitioner seeks grant of anticipatory bail. The allegations were that along with one Varun Dhir @ Banka, the petitioner and his brother took a sum of ₹ 2 lacs from the complainant on the pretext of investing the same, and thereafter defaulted on the profits, and when the complainant asked them to return the money, a cheque of ₹ 1 lac was given to him which bounced.

Counsel for the petitioner has argued that the cheque was issued by the brother of the petitioner from M/S Gits Communication and the petitioner has no authority to sign the same as he is only a sleeping partner in the said company. As per him, the petitioner is 25% partner in the business and that if he is granted two

weeks' time he would deposit 25% of the cheque amount without prejudice to his rights, but he should be protected.

Counsel for the respondent prays for an adjournment to verify these facts.

Adjourned to 8.12.2014. Meanwhile, arrest of the petitioner shall remain stayed.”

Thereafter, on 8.12.2014, the following order was passed :-

“ Learned counsel has handed over a draft of ₹ 25,000/- to the learned Addl. AG. Learned Addl. AG prays for a short adjournment to enable the investigating Officer to hand over the draft to the complainant and to verify the correctness of the assertion made on the last date and also bring the complainant on the next date of hearing.

Adjourned to 09.02.2015.

Interim order to continue.”

Today, the complainant is present in person. The petitioner has also handed over a copy of the partnership deed to counsel for the respondent, as per which he has shown to be 25% partner in the business.

Counsel for the respondent, on instructions from ASI Hardeep Singh, has accepted the assertions made in the partnership deed. The complainant, who is present in person, has accepted that a draft of ₹ 25,000/- has been handed over to him.

In the circumstances, without commenting upon the merits of the case, I do not see any ground to deny the concession of anticipatory bail to the petitioner. Resultantly, this petition is allowed and it is directed that in the event of his arrest, the petitioner shall be released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C.

(AJAY TEWARI)
JUDGE

February 09, 2015
`kk'

