

202

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5347 of 2015

Date of decision: September 10, 2015

Kapil Batra and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Rai, Senior Advocate with
Mr. R.S. Bajaj, Advocate
for the petitioners.

Mr. R.P.S. Sidhu, AAG Punjab.

SABINA, J

Petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.77 dated 27.12.2014, under Sections 306, 420, 120-B, 34 of Indian Penal Code, 1860, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Prosecution story, in brief, is that Vimal Soni son of the complainant had deposited money on behalf of various persons with the company run by the petitioners. Responsibility qua the principal amount as well as the interest on the said amount was taken by the son of the complainant. Since the company had failed to pay the interest on the deposited amount, the depositors started inquiring from the son of the complainant qua the interest

amount. The cheques issued by the company run by the petitioners were presented by the depositors in the Bank, but the same could not be encashed due to insufficient funds. Due to this reason, depositors started pressurising Vimal Soni to return the money. Vimal Soni contacted the petitioners, but they failed to pay the amount in question to the depositors. Due to this reason, Vimal Soni had committed suicide.

Learned Senior counsel for the petitioners has submitted that in fact, earlier, Vimal Soni was acting as a franchisee of the company but had later assured the company that he would open a branch office. As a result of this, company invested a sum of ₹70,000/- and Vimal Soni started running the branch office of the company at Abohar. However, the said office was closed by Vimal Soni and in this regard, he had written a letter Annexure P-3. Vimal Soni had also mentioned that no dues were pending against the company. Letter Annexure P3 was accepted by the company vide letter Annexure P-4. So far as the dishonor of cheques of the depositors are concerned, petitioners are facing criminal proceedings under Section 138 of the Negotiable Instruments Act, 1881. Petitioners cannot be said to be responsible qua suicide committed by the son of the complainant.

Learned State counsel, on the other hand has

opposed the petition and has submitted that Vimal Soni was being harassed by the depositors as the cheques issued by the company had been dishonored. Petitioners are required for custodial interrogation.

In the present case, allegations levelled against the petitioners are serious in nature. Son of the complainant was running a branch office at Abohar on behalf of the company. The depositors had invested money with the company but the company had failed to pay the interest to the depositors. The cheques issued by the company were dishonored. Thus, the company has defrauded many persons of their huge amount and Vimal Soni committed suicide because he was being harassed by the depositors on account of non-payment of the interest amount. Petitioners are required for custodial interrogation.

No ground for grant of anticipatory bail to the petitioners, is made out.

Dismissed.

**(SABINA)
JUDGE**

September 10, 2015
mahavir