

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212 **Criminal Misc. M- No. 86 of 2015 (O&M)**
Date of decision : 15.01.2015

Gurmeet SinghPetitioner

Versus

State of PunjabRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Kirat Singh Sidhu, DAG, Punjab

Mr. G.S. Jagpal, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for anticipatory bail in FIR No. 86 dated 13.07.2014 registered under Sections 420, 506, 120-B IPC at Police Station Division No. 2, Ludhiana.

The FIR has been registered on the basis of an application made by the complainant – Komal Rani. As per the prosecution version, the petitioner was to repay a sum of ₹ 32 lakhs to the complainant. However, the matter was settled between the parties and the petitioner is alleged to have agreed to pay back a sum of ₹ 21,50,000/-. Cheques of various amount were given to the complainant but they were dishonoured. Despite request of the complainant, the petitioner refused to repay the money and is alleged to have cheated the complainant.

It is contended by learned counsel for the petitioner that it is beyond the pale of imagination that anyone would have settled to receive a mere sum of ₹ 21,50,000/- instead of ₹ 32 lakhs. The petitioner is already facing the proceedings under Section 138 of the Negotiable Instruments Act filed by the complainant. The petitioner had filed civil suit (Annexure P-2) on 01.10.2013 wherein he has clearly stated that it is the petitioner who had to recover the amount from the complainant, her husband and her son. No offence punishable under Section 138 of the Negotiable Instruments Act is made out against the petitioner.

Learned counsel for the complainant informs that on an earlier occasion Civil Suit No. 85 dated 27.07.2013 had been withdrawn by the petitioner stating that the matter had been compromised between the parties and he did not wish to pursue the present case. Subsequent Civil Suit dated 01.10.2013 has been filed in respect to certain other cheques issued by the petitioner to discharge his liability towards the complainant. The second civil suit (Annexure P-2) has been dismissed in default on 15.01.2014. Photocopies of the said order have been produced in Court today.

I have heard learned counsel for the parties, it emerges that specific allegations have been levelled against the petitioner, who had at one point settled the matter with the complainant and thereafter backtracked from the same. Intention of the petitioner, thus, coming to the fore. Keeping in view the allegations against the

petitioner, no ground is made out for extending the relief of anticipatory bail to him.

Petition is, accordingly, dismissed.

January 15, 2015
rts

(LISA GILL)
JUDGE