

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 17178 of 2016
Date of decision: 2.8.2016

Narinder Gupta

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. AS Bakshi, Advocate.
Ms. Simsi Dhir, DAG, Punjab
Mr. Aman Sharma, Advocate.

M.M.S.BEDI,J.

The petitioner seeks the concession of a pre-arrest bail in a case registered at the instance of Rachpal Singh alleging that on 19.8.2015 the petitioner had taken a sum of Rs.5 lacs from the complainant to send him abroad. The petitioner has allegedly taken photographs, school certificate, ration card and voter identity card from the complainant and did not send him abroad. The petitioner had allegedly given a cheque for a sum of Rs.5.00 lacs on 12.1.2016 to the complainant, which on presentation was dishonoured.

Counsel for the petitioner submits that as a matter of fact the petitioner has taken a loan from a finance company known as Simran Finance Company and the owners of the same are known to the complainant. The petitioner has returned a sum of Rs. 4 lacs, out of 6 lacs, taken on loan but in order to pressurize him to finally settle the account, owners of the finance company had got the prosecution launched against him.

With the assistance of learned State counsel, I have gone through the police file, which has been brought by HC Jasbir Singh. A perusal of the same indicates that an inquiry has been conducted by the Economic Offence Wing to arrive at a conclusion that the petitioner had even promised to get a passport prepared for the complainant in order to send him to Malaysia. Few facts mentioned in the inquiry report are beyond the allegations in the complaint. The plea of the petitioner that the blank cheque and the pronote has been misused by the complainant, has been carefully considered by me in context to the material, available on the record. It will be a debatable issue whether the liability of the petitioner on the basis of a pronote and dishonoured cheque is a civil liability or a combination of civil and criminal liability. The source of amount of Rs. 5.00 lacs with the complainant is also a debatable issue. The petitioner has joined the investigation. It does not appear to be a case of custodial interrogation.

Accordingly, the petition is allowed and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that he will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

August 2 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No