

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-24106 of 2016.
Decided on:-06..09.2016.

Vijay Kumar.

.....Petitioner.

Versus

State of U.T., Chandigarh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Mohit Garg, Advocate
for the petitioner.

Mr. A.S. Virk, A.P.P. for U.T., Chandigarh.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.62 dated 11.3.2016 under Sections 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station Sector-26, Chandigarh.

Learned counsel for the petitioner states that name of the petitioner has surfaced in the case during investigation conducted by the police and the petitioner has been involved in the case on the ground that an amount of Rs.2 lacs has been transferred in the account of the petitioner out of total sale transaction. He further states that total sale consideration was fixed as Rs.36.50 lacs. The amount of Rs.2 lacs was transferred in the account of the petitioner because he is a property agent. The petitioner is ready to refund the said amount provided he is admitted on interim bail.

Learned State, on the other hand, has stated that the petitioner along with co-accused Javindra Singh has committed cheating with complainant Lakhpatt Rai Mittal and forged documents have been used in the crime. Therefore, custodial interrogation of the petitioner is required and he is not entitled for anticipatory bail.

I have heard learned counsel for the parties.

The FIR in question was got registered at the instance of complainant Lakhpatt Rai Mittal. The petitioner along with other co-accused Javindra Singh has committed cheating with the complainant. The other co-accused has withdrawn an amount of Rs.26.50 lacs by getting deposited a bank draft in a bank account opened in the name of the complainant and in this manner, the complainant has been duped. Out of this amount, a sum of Rs.2 lacs has gone in the account of the petitioner. Therefore, at this stage, plea of the petitioner that he is innocent cannot be accepted.

Considering the nature of allegations made in the FIR, this Court does not find any merit in the present petition for anticipatory bail and the same is, accordingly, dismissed.

September 06, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether Reportable:

Yes / No