

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

**(203)**

**CRM-M-24413-2016**

**Decided on: September 06, 2016.**

**Manav Malhotra**

**.... Petitioner**

**Versus**

**State of Haryana and another**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Vivek Goyal, Advocate, for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Surinder Singh Duhan, Advocate, for the complainant.

**M.M.S. BEDI, J (ORAL)**

The petitioner, pursuant to the interim order dated 20.07.2016, has appeared before the investigating officer on 06.08.2016 and paid bank drafts to the tune of Rs.12 lacs in the name of the complainant.

The allegation against the petitioner is that he had received a sum of Rs.10 lacs from the complainant with a false promise to transfer a flat in a project in Mansa Devi Complex.

Learned counsel for the complainant has intervened to oppose application for bail on the ground that earlier application for pre-arrest bail filed by the petitioner, has been dismissed.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant.

The right of the petitioner to file fresh application for pre-arrest bail was safeguarded subject to his reconciling the matter by payment of the

amount due to the complainant. Against the receipt of Rs.10 lacs, the petitioner has handed over a sum of Rs.12 lacs in the shape of bank drafts pursuant to the interim order. The bank drafts are at present in possession of the investigating officer.

Learned counsel for the complainant has contended that the complainant having been duped and having been deprived of the enjoyment of his asset on account of fraud played by the petitioner, application for pre-arrest bail should be dismissed.

I have considered the nature of the liability of the petitioner. It is not out of place to mention here that the complainant has already filed a complaint under Section 138 of the Negotiable Instruments Act aggrieved by dishonouring the cheque of Rs.12 lacs which amount is also subject matter of the present criminal proceedings.

The liability of the petitioner is apparently a combination of civil as well as criminal liability. With the discharge of that liability to the extent of Rs.12 lacs by depositing bank drafts of Rs.12 lacs with the investigating agency, his liberty can be protected.

The petition is allowed. It is ordered that in case of arrest of petitioner in FIR No.20 dated 05.03.2016, under Sections 406, 420 IPC and Section 3 of the H.P.I.D.F.E Act, 2014, Police Station MDC, District Panchkula, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and he will pay a sum of Rs.12 lacs in the shape of bank draft to the complainant which has already been done and will not tamper with the

evidence or hamper the investigation in any manner. The bank draft handed over by the petitioner in the name of the complainant, may be given by the investigating officer against a memo to the complainant without prejudice to the right of the complainant or the petitioner.

Nothing said in this order will be considered to be an expression of opinion regarding the culpability of the petitioner in few other criminal cases registered by other aggrieved persons in separate FIRs. The payment of amount will be adjustable depending upon the final determination of the liability.

(M.M.S. BEDI)  
JUDGE

September 06, 2016  
*harsha*

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |