

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

Criminal Misc.No.M-30260 of 2015 (O&M)
Date of Decision : 03rd November, 2016

Harsh Kumar Vij

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bipin Ghai, Senior Advocate
with Mr. Paras Talwar, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.

Mr. L.S.Sidhu, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.100 dated 13.08.2015, registered at Police Station Nangal, Rup Nagar (Ropar), under Section 420 IPC where he has been accused of being a conspirator in a fake scheme.

Learned Senior Counsel has argued that as a matter of fact, the petitioner is also a victim and both he and the complainants had been allured by the offer of the main accused of the prospectus of higher returns and had all deposited their money. Infact, like the complainants, the accused had issued some cheques to the petitioner which had bounced and the petitioner

had also filed complaints against those accused.

Learned State counsel as well as counsel for complainant have, however, argued that actually the petitioner was one of the conspirators. They further argued that the main accused were relatives of the petitioner and infact it was the petitioner who knew the complainants and had specifically enticed the complainants into making deposits with the main accused and have pointed out to the statement of the main accused wherein they have stated that the petitioner was getting commission of 2% on interest. They have also pointed out that an amount of Rs.14,00,000/- was transferred from the funds of the main accused to the account of the petitioner which as per them, was the share of the petitioner in the ill gotten gains.

Learned Senior Counsel has again argued that this amount could represent the return on the investment of the petitioners which was originally made by the co-accused.

Keeping in view the entire conspectus of facts, I deem it appropriate to grant conditional bail to the petitioner. Let him create a deposit of Rs.14,00,000/- in favour of learned Chief Judicial Magistrate, Ropar within a period of three months. That amount would be kept in escrow to be handed over to the party who may be found entitled for the same by a competent Court.

Let the petitioner appear before the Investigating Officer on 11.11.2016 or any other date as required to join investigation. The Investigating Officer shall release him on interim bail to his/her satisfaction. However, the petitioner shall remain bound by the conditions envisaged

Criminal Misc.No.M-30260 of 2015 (O&M)

under Section 438 (2) Cr.P.C. Thereafter on or before 10.02.2016, on showing the proof of depositing the said amount, the interim bail shall automatically be converted into anticipatory bail. However, in failure to do so, the order dated 08.09.2015, staying the arrest of the petitioner, shall stand cancelled and the present petition shall be treated as dismissed.

The instant petition stands disposed of.

(AJAY TEWARI)
JUDGE

03rd November, 2016

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No