

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

CRM-M No. 30479 of 2015 (O&M)

Date of Decision: 02.03.2016

Nanakjit

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Narender Singh.

Mr. N.P.S. Mann, Advocate
for the complainant/respondent No. 2.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail on behalf of the accused/petitioner-Nanakjit in case FIR No. 144, dated 22.07.2015, for offences punishable under Sections 420, 406 of the Indian Penal Code, registered at Police Station Sadar, Tarn Taran, District Tarn Taran.

As per allegations levelled by the complainant-Ravinder Singh, a friendly loan of Rs. 13 lacs was given by him to the present accused/petitioner which was never returned, in lieu of the return of money, four cheques were issued by the accused/petitioner, which concededly have never been presented till today.

It is contended that the accused/petitioner has concealed certain facts, in fact there was an agreement to sell between the wife of the petitioner/accused and the complainant, whereby his wife had received a sum of Rs. 26 lacs for selling a plot to the complainant.

Subsequently, the agreement to sell was cancelled and the money was refunded as acknowledged by the complainant/respondent No. 2 in his affidavit dated 31.10.2011 (Annexure P-2). However, the cheques issued by the petitioner towards refund of Rs. 13 lacs which otherwise was paid in cash were never returned by the complainant. It is next contended that no offence of Section 420, Indian Penal Code is made out against the petitioner since the cheques were never been presented.

Learned State Counsel, assisted by ASI Narender Singh, states that the petitioner has joined the investigation and he is no longer required for interrogation.

In view of the above, the interim protection/pre-arrest bail granted to the petitioner by this Court's order dated 22.09.2015, is made absolute.

Disposed of.

March 02, 2016

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(JASWANT SINGH)
JUDGE