

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

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**CRM-M-33062-2015(O&M)
Date of Decision: February 1, 2016**

SURESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

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

Present: Mr.M.K.Sangwan, Advocate for the petitioner

Mr.Vikas Malik, DAG, Haryana

Mr.Munish Kumar Garg, Advocate for the complainant

M.M.S.BEDI, J.(Oral)

Petitioner along with Bharat Bhushan has allegedly cheated the complainant Satish Kumar by getting a sum of Rs.29,00,000/- from the complainant deposited in the account of the firm of the petitioner on the pretext of making him partner on the firm as the property of the firm was lying mortgaged with the bank. Further allegation against the petitioner is that property has to be got redeemed from the bank on the basis of deposit made by the complainant but it was neither redeemed nor the complainant was made a partner as agreed to by the petitioner.

Counsel for the petitioner has submitted that co-accused of the petitioner Bharat Bhushan has been granted concession of pre-arrest bail and that no criminal liability arising from the deposit made by the complainant as the amount has been deposited in the account of M/s Haryana Metal where petitioner and his wife both are partner of the said firm.

After hearing counsel for the petitioner, counsel for the complainant and State counsel, the deposit of sum of Rs.29,00,000/- by the complainant in the account of M/s Haryana Metal stands established. The

said amount was allegedly paid to the bank by the said firm as the complainant was bestowed 50% share of partnership in the firm Haryana Metal.

Counsel for the petitioner vehemently contended that the amount paid was part of the money transaction between the parties as the complainant owed a sum of Rs.30,00,000/- to the petitioner, therefore sum of Rs.29,00,000/- had been deposited in the account of the petitioner.

After hearing counsel for the petitioner, counsel for the complainant and State counsel, it transpires that though a huge amount was paid by complainant to the petitioner but the petitioner has not been able to show that it was on account of refund or return of some amount given to the complainant. Prima facie there is sufficient material available on record that complainant had been persuaded to part with money with a promise to incorporating his name as a partner in the firm of the petitioner. The defence put forward by the petitioner that amount deposited in the account of Haryana Metal was an act of discharge of some existing liability of the complainant towards the petitioner, would be decided during the trial. However no ground is made out to grant the concession of pre-arrest bail to the petitioner. The petition is dismissed.

February 1, 2016
TSG

(M.M.S.BEDI)
JUDGE