IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M No.36940 of 2016.
Date of Decision: 08.11.2016.

Ashish Dev ....Petitioner.

VERSUS

State of Haryana ....Respondent.

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CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

Mr. Vikas Lochab, Advocate for the complainant.

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SNEH PRASHAR, J.

The petitioner is wanted in case First Information Report No.528 dated 22.09.2016 under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code (for short, "IPC") registered at Police Station City Sonepat. Apprehending his arrest, he has moved the instant petition seeking the benefit of anticipatory bail.

The submissions made by Mr. Sanjay Vashisth, learned counsel representing the petitioner, Mr. Karan Sharma, learned Assistant Advocate General, Haryana and Mr. Vikas Lochab, learned counsel representing the complainant have been heard.

The accusation against the petitioner is that he had borrowed ₹10 lacs from complainant Anuj Sharma in the year 2012 to start the work of 'milk point'. Undertaking to repay the amount in installments, he gave a cheque of ₹1,40,000/- drawn on UCO Bank to the complainant, but asked him not to get the same encashed as he would give the amount in cash. Thereafter, he issued a cheque of ₹4 lacs in favour of the complainant drawn on UCO Bank. The complainant presented the cheque to his banker but it was returned 'dishonoured' as there was no money in the account of the petitioner. The complainant was also informed that the account was in the name of one 'Amit Jain' but the photo of 'Ashish Dev (petitioner)' was affixed on the account. On being contacted by the complainant, the petitioner promised to return the amount of the complainant and issued two more cheques, one of ₹2,65,000/- and the other of ₹2,15,000/- drawn on State Bank of India, Branch Bahalgarh and assured that the said account was genuine, but that could not be encashed. Some other cheques in the name of the complainant were also issued but all of them bounced and the petitioner flatly refused to return the money of the complainant.

Learned counsel for the petitioner argued that in the First Information Report, the complainant had not mentioned the date or month of the year 2012 when as per his allegation the petitioner had borrowed a sum of ₹10 lacs from him. The date, month or year when the cheques were issued by the petitioner in favour of the complainant, which either were not presented for encashment on the asking of the petitioner or on being presented to the banker had bounced, were also not mentioned by the complainant. The allegations of the complainant were vague and unbelieveable. The fact is that the petitioner had good friendly relations with the complainant. There being a relationship of trust, the complainant had managed to obtain some cheques from the petitioner. Unfortunately, the relations became sour and the complainant taking advantage of the cheques with him got a false case registered against the petitioner. Submitting that the petitioner is ready to give his specimen signatures for comparison with the disputed signatures on the account opening form etc., learned counsel prayed that as nothing is to be recovered from the petitioner, he may be given the benefit of anticipatory bail.

Learned State counsel and learned counsel representing the complainant pointed out that the petitioner had fraudulently got an account opened with UCO Bank with a fictitious name 'Amit Jain'. As proof of identity, he had submitted a photograph, copy of an Adhar Card and copy of a PAN card which in the light of allegations are forged documents and their original are in possession of the petitioner.

It is submitted by learned counsel for the complainant that all the cheques referred to by the complainant in the First Information Report are available with him and he is ready to hand over the same to the Investigating Officer. He also submitted that the petitioner has issued number of other cheques as well in favour of different persons drawn on the account fraudulently opened by him with UCO Bank.

The allegations prima facie indicate commission of offence of fraud and forgery not only with the complainant but also with the Bank. A thorough investigation into the matter would be necessary. Apart from taking specimen signatures of the petitioner for comparison with the signatures on the account opening form allegedly opened by the petitioner in the name 'Amit Jain' the documents used as identity proof would also have to be recovered.

In view of said facts and circumstances and least any expression above may prejudice the case of either side, there being no ground for grant of relief of anticipatory bail to the petitioner, his petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

08.11.2016
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Whether speaking/ reasoned	**:**	**Yes**
Whether Reportable	**:**	**No**