

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

CRM-M No.40044 of 2016.

Date of Decision: 05.12.2016.

Harbhajan Singh and another

....Petitioners.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Aman Pal, Advocate for the petitioners.

Mr. Ankur Jain, Assistant Advocate General, Punjab.

SNEH PRASHAR, J.

The petitioners are wanted in case First Information Report No.161 dated 12.09.2016 under Section 406, 420 read with Section 120-B of the Indian Penal Code (for short, "IPC") registered at Police Station Phase-1, District SAS Nagar. Apprehending their arrest, they have moved the instant petition seeking the benefit of anticipatory bail.

As per the First Information Report, the petitioners, who are husband and wife, initially took a loan of Rs.7 lacs from complainant Chanda Oberoi and as a guarantee for repayment of the same gave a signed cheque drawn on State Bank of Patiala, Sector-8, Chandigarh. When the complainant asked for return of the money, they asked her to join two kitties of Rs.5 lacs each. In that manner, they managed to make the complainant pay another amount of Rs.5 lacs on one occasion and Rs.4,50,000/- on

another occasion against which they gave two signed cheque and also gave

a writing dated 28.09.2013 undertaking to return Rs.3 lacs before 15.10.2013. Despite assurances given, they did not return the money and subsequently the complainant came to know that they have cheated many other people in similar manner. They also threatened the complainant of dire consequences when she demanded her money back.

The submissions made by Mr. Aman Pal, learned counsel representing the petitioners and Mr. Ankur Jain, learned Assistant Advocate General, Punjab have been heard.

Learned counsel for the petitioners argued that the complainant herself is of shady character. She, in-fact, is in the business of running committees and in that context had taken three blank cheques from petitioner No.2 which she is now trying to use in support of her false allegations. Learned counsel also submitted that one lady, who had been cheated by the complainant, had committed suicide and in that regard a criminal case under Section 306 IPC has been registered at Police Station Balongi, District SAS Nagar. Submitting that the petitioners have been falsely trapped by the complainant, learned counsel prayed that they be given the benefit of anticipatory bail.

Resisting the prayer of the petitioners, learned State counsel submits that in addition to the instant case, one more criminal case of fraud stands registered against the petitioners. Two other complaints containing similar allegations of cheating etc. are also pending enquiry against the petitioners. Statement of the witnesses, in the presence of whom the complainant had given money to the petitioners, have been recorded during investigation. He added that the petitioners are habitual of using deceitful

The three signed cheques and the writing executed by the petitioners undertaking to return the money taken from the complainant are stated to have been handed over by the complainant to the Investigation Officer. There are serious allegations of fraud and cheating against the petitioners. As submitted by learned Assistant Advocate General for the State, there are other cases/enquiries of cheating also pending against the petitioners. As such, without going into the merits of the case and finding no ground for giving the benefit of anticipatory bail to the petitioners, the instant petition filed by them is dismissed.

(SNEH PRASHAR)
JUDGE

05.12.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No