

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

**(201)**

**CRM-M-41751-2015 (O&M)**

**Decided on: November 07, 2016.**

**Parshotam Verma**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

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

Present: Mr. Sukhwinder Singh Kamboj, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Sunil Garg, Advocate, for the complainant.

**M.M.S. BEDI, J (ORAL)**

The petitioner is a jeweler. He had taken a loan of Rs.21,40,000/- against the jewellery articles which consist of 28 gold bangles, 20 gold chains and 15 gold rings etc.

The allegation against the petitioner is that the gold ornaments which are pledged weighing about 650 grams with the complainant as security, was, on checking, found to be fake and not real. The petitioner has allegedly cheated the complainant of a sum of Rs.21,40,000/-.

Learned counsel for the petitioner has vehemently contended that the petitioner is ready to take back the jewellery items and to pay the amount taken on loan by him. The complainant and the petitioner were directed to appear before the investigating officer. The gold ornaments which are subject matter of the dispute, on being handed over to the investigating officer, were disowned by the petitioner claiming that the gold ornaments now offered to be returned, are not the same as which were actually pledged with the complainant. He claims that he has filed a suit

against the complainant in which the complainant has been restrained from the gold articles.

At this stage, the feasibility of the compromise, is absolutely remote as the gold articles which are offered by the complainant in a police sealed parcel, is not acceptable to the petitioner on the ground that the jewellery articles have been changed by the complainant.

After considering all the facts and circumstances of the case, I am of the opinion that on account of uncertainty of the actual articles which were handed over by the petitioner to the complainant and the evasive approach adopted by the petitioner by filing a civil suit to evade any liability, the matter requires thorough investigation.

I have carefully gone through the contentions of learned counsel for the petitioner that the complainant had earlier filed a complaint before Senior Superintendent of Police, Patiala which complaint, after being considered, had been permitted to be withdrawn as compromise. Subsequently, the present FIR was got registered at Sangrur. The abovesaid contentions are not sufficient for adjudication of the controversy between the complainant and the petitioner.

No ground is made out to grant concession of pre-arrest bail to the petitioner.

The petition is dismissed. It will be open to the petitioner to approach this Court, in case, the matter is compromised.

**(M.M.S. BEDI)**  
**JUDGE**

**November 07, 2016**

*harsha*

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No