IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20111 of 2016
Date of Decision : 01.03.2017

Rajeev Katoch ....Petitioner

Versus

State of Punjab ....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Himanshu Puri, Advocate
for Mr. J.S. Ghumman, Advocate
for the complainant.

Surinder Gupta, J.

Present petition has been filed by the petitioner under Section 438 of Code of Criminal Procedure seeking anticipatory bail in case bearing FIR No. 57 dated 18.05.2016 for offences punishable under Sections 420, 467, 468 read with Section 34 of Indian Penal Code (for short 'IPC'), registered at Police Station Division No. 2, Pathankot.

2. As per allegations in the FIR, complainant is running crusher business and Satish Chauhan was looking after documentation of vehicles of complainant. The complainant intended to purchase TATA Highway-2518 and Satish Chauhan presented before him that he can get this vehicle purchased from his friend Rajeev Katoch, who has taken agency of TATA Motors in the name of Awanshika Motor at Palmpur road Kangra. The complainant paid ₹5 lacs to Satish Chauhan, who gave him a receipt issued by Awanshika Motor alongwith a quotation. The complainant took loan of ₹21,15,000/- from UCO Bank, Simbal Chowk, Pathankot and transferred

this amount in the name of Awanshika Motor but for a period of one year and eight months vehicle was not given to the complainant, who ultimately found that he has been defrauded by Satish Chauhan and the petitioner.

3. Learned counsel for the petitioner has argued that the complainant himself is a fraudster, who had been taking loans from various banks for the purchase of vehicles but had not been purchasing any vehicle. Several complaints have been filed against him to this effect. The complainant is not a beneficiary in this case, though his bank account was used to transfer the amount of ₹21,15,000/-. This money was paid to Satish Chauhan. The complainant had filed a civil suit against Satish Chauhan alleging therein that this amount of ₹21,15,000/- was paid to him and an agreement was also executed between parties on 06.10.2015 wherein the complainant explained payment of ₹21,15,000/- to Satish Chauhan.

4. Learned State counsel and learned counsel for the complainant have argued that amount of ₹21,15,000/- was transferred to the account of petitioner. This plea of petitioner has no meaning that he made this payment to Satish Chauhan. He was very well aware that this amount was transferred to his account by the bank from where the complainant has raised a loan for purchase of TATA vehicle. This shows connivance, common intention and the fraud played by the petitioner with complainant, who gave passage to Satish Chauhan by allowing him to use his bank account to swindle the loan amount of ₹21,15,000/-. As per certificate (Annexure P-2), M/s Awanshika Motor, Indora has been issued certificate of registration. There is nothing on record to show that petitioner was having agency to sell vehicles manufactured by TATA Motors. He had registered firm for resale of motorcycles, scooters, spare parts etc. At this

stage no reason is made out for getting a huge amount of ₹21,15,000/- transferred in the account of Awanshika Motor. As to why and under what circumstances, the petitioner transferred this amount or part of this amount in the account of Satish Chauhan, is a matter of investigation. Role of the petitioner is *prima facie* disclosed and is a matter which calls for thorough investigation for which custodial interrogation of the petitioner is required.

5. Keeping in view above facts, I find no reason to exercise discretionary power of this Court of extend the benefit of pre-arrest bail to the petitioner.

Instant petition has no merit and the same is dismissed.

March 01, 2017 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/Reasoned Yes/No

Whether Reportable Yes/No