

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

(1)

**Crl. Misc. No.M-35676 of 2016 (O&M)
Date of Decision: November 22, 2017**

Vikas Somani

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

(2)

Crl. Misc. No.M-38012 of 2016 (O&M)

Vinod Somani and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manuj Nagrath, Advocate
for the petitioner (s).

Mr. C.L. Pawar, Sr. D.A.G. Punjab.

Mr. S.S. Bahl, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.0208 dated 15.09.2016 registered for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code, at Police Station Kotwali, District Bathinda.

Heard.

Learned State counsel on instructions from ASI Karamjit submits that more material has been supplied to CFSL and the report is awaited. He further submits that petitioners have joined the investigation, which is still in progress but their custodial interrogation is no more required.

Learned counsel for the complainant submits that the investigating agency has abdicated from its duty to properly investigate the case. There were business relations between the petitioners and husband of the complainant namely H.S. Cheema. The complainant had given her property document to the petitioners for seeking their help to arrange a loan. They submitted those documents to the bank and instead of raising loan for the complainant, they raised loan for themselves by showing the complainant as guarantor. Some of the bank documents were signed by the complainant while on the other documents, her signatures were forged, thereby causing huge loss to the complainant who was shown as guarantor for loan of ₹35 crores. Regarding the complaint filed by petitioner against her husband under Section 138 of Negotiable Instruments Act, it is submitted that advance cheques were given to the petitioners by her husband, which they used to return after the payment was made to them through RTGS.

Learned counsel for the petitioners submits that this complaint is an off-shoot and counter blast of the complaint filed by the petitioners against husband of complainant for offence punishable under Section 138 of Negotiable Instruments Act.

From the submissions of learned counsel for the petitioner,

complainant and State counsel, it appears that entire case is based on documentary evidence. The process of comparison of the signatures is continuing. The complainant admitted that she has given her documents to the petitioner and also signed some blank documents. As to whether her version that these documents were given to petitioners for raising loan for her, particularly when her husband himself is a businessman and has given cheques worth crores of rupees, is to be verified by the investigating officer during investigation.

Keeping in view the above facts but without expressing any opinion on the merits of the case, both the petitions are allowed. Order dated 05.10.2016 passed in CRM-M-35676-2016 and order dated 24.10.2016 passed in CRM-M-38012-2016 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court;
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

November 22, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No