

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

CRM No.M-4823 of 2017 (O&M)

Date of Decision: March 02, 2017

Praveen Gupta

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gautam Dutt, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Krishan Singh, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.856 dated 13.12.2016 under Sections 420, 406 and 120-B IPC registered at Police Station Faridabad Central, District Faridabad.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant-respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been got

registered by Sujata Somastamb alleging harassment, blackmailing, abuse, forgery and fraud of ₹42 lakhs by Advocates Praveen Gupta and Vijay Sharma, District Courts, Faridabad. As per the complainant's version, the accused were running illegal group committee and husband of the complainant handed over the blank signed cheque to Praveen Gupta. Neither he gave the committee amount nor he returned the cheque. It is also in the FIR that complainant came to know from the bank statement that cheque of more than ₹42 lakhs has been presented in the name of Vijay Sharma and the payment was stopped in the bank.

Learned counsel for the petitioner contended that a complaint under Section 138 of the Negotiable Instruments Act has been filed by Vijay Sharma by giving details of the liability. Present petitioner is nothing to do with the cheque in question. Learned counsel for the petitioner also argued that the matter is already pending before the trial Court qua the cheque in question and no finding has yet come on that cheque. He next argued that the case is based on documentary evidence.

On the other hand, learned counsel for respondent No.2 argued that the cheque was taken by the present petitioner, which was misused by him by filling the amount and he has committed fraud and forgery.

From the perusal of the record, I find that Vijay Sharma has filed the complaint under Section 138 of the Negotiable Instruments Act against Sujata Somastamb, complainant of this case and further a civil suit has been filed by Vijay Sharma against Bharat Somastamb. The case is mainly based on documentary evidence and the complaint under Section 138 of NI Act is already pending before the trial Court for adjudication.

The petitioner is not required for custodial interrogation or

investigation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find it a fit case where petitioner is entitled to benefit of anticipatory bail.

Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

March 02, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No