

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

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CRM-M No.14251 of 2018

Date of Decision: April 25th, 2018

Gurprem Singh @ Prem

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

Mr. Amandeep Chhabra, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of anticipatory bail.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. As a matter of fact, loan was advanced to Rinki Mishra wife of Sanjeev Kumar, who is the brother-in-law of complainant namely Ritesh Srivastava amounting to ₹65,000/-. When the petitioner asked for repayment of the loan amount, Rinki Mishra had been avoiding payment on one pretext or the other and it is with the intervention of respectables that an account payee cheque No.609707 amounting to ₹70,800/- drawn on State Bank of Patiala was issued in favour of the petitioner. When the said cheque was presented, the same bounced on 28.03.2017. Thereafter, legal notice was sent through counsel on 05.04.2017. Counsel contends that it is on receipt of the said legal notice that the present FIR has been got registered by the complainant at the behest of Rinki Mishra wife of Sanjeev Kumar. He states that the

co-accused of the petitioner has been granted the concession of anticipatory

bail.

Counsel for the petitioner further asserted that there is a recorded CD in possession of the petitioner, where Rinki Mishra accepts her liability of ₹65,000/- which she owes to the petitioner.

On the affidavit having been filed in support of the said assertion, notice was issued to the State.

Counsel for the complainant has also put in appearance apart from the State counsel, who has categorically denied the receipt of any legal notice by his sister-in-law namely Rinki Mishra. He contends that had the assertions made in the affidavit dated 20.04.2018 been found to be correct, proceedings under Section 138 of the Negotiable Instruments Act should have been initiated by the petitioner but the counsel for the petitioner stated categorically that no such proceedings have been initiated in the said matter.

Counsel for the State submits that apart from the complainant, there are six other persons who have been adversely effected and have been duped of ₹1 lakh each. He further states that Rinki Mishra was also examined under Section 161 Cr.P.C. and she has got her statement recorded that the assertions in the affidavit are not correct and are false.

Keeping in view the allegations as made in the present FIR, no ground for grant of concession of anticipatory bail is made out as the custodial interrogation of the petitioner would be essential to find out the truth in the matter.

The present petition, therefore, stands dismissed.

April 25th, 2018

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No