

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

CRM-M-22088-2018 (O&M)

Date of Decision:- 15.10.2018

Gagan Malik

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.S.Dhillon, Advocate, for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.64 dated 31.3.2018, under Section 420 IPC, Police Station Division No.7, Jalandhar.

The FIR was lodged at the instance of Sultan Singh wherein it has been alleged that the petitioner along with his co-accused duped the complainant by assuring the complainant that he will get him a Gas Agency in Himachal Pradesh for an amount of ₹ 10 lacs and pursuant to the said assurance, the complainant gave an amount of ₹ 7 lacs to the accused. It is further alleged that the petitioner had issued two cheques in favour of the complainant which were in the nature of security, to be used in case the accused is unable to provide a Gas Agency. However, the said cheques could not be used as they lost the validity.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the case has been lodged belatedly inasmuch as while the occurrence is stated to have taken place in the year 2013, the FIR was lodged in the year 2018 on the basis of a complaint made to the police on 7.12.2016.

On the other hand learned State counsel has submitted that in view of the specific allegations of cheating levelled in the FIR, no case is made out for grant of bail. It has however, been informed that the petitioner has since joined investigation.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the veracity of the allegations is yet to be tested especially, in light of the delay in lodging the FIR, in my opinion, it is a fit case for grant of anticipatory bail. The petition is as such accepted and interim directions issued vide order dated 23.5.2018 are made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed and would fully cooperate with the investigation.

October 15, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No