

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 25321 of 2018

Date of Decision:- 13.8.2018

Bikramjit Singh Chauhan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Divyadeep Walia, Advocate, for the petitioner.

Mr. A.S.Sandhu, Additional Advocate General, Punjab.

Mr. Ramandeep Singh Pandher, Advocate for the complainant.

GURVINDER SINGH GILL J.

1. The petitioner Bikramjit Singh Chauhan seeks grant of anticipatory bail in a case registered against him vide FIR No.153 dated 11.5.2018 under Section 420/120-B of Indian Penal Code, 1860 at Police Station City Khanna, District Ludhiana.
2. The FIR, in the present case, was registered at the instance of Gurmukh Singh against the petitioner Bikramjit Singh Chauhan, Kamaljit Kaur Chahal, Gurchain Singh and Mukesh Kumar alleging therein that the petitioner along with Gurchain Singh and Mukesh Kumar had approached him in April, 2016 representing that they were owning company by the name of E-Anantha and are into business of Ayurvedic Medicines and also Gas Safety Device and that they could arrange franchise for the complainant from which the complainant could earn substantial profits. It is alleged that the petitioner represented himself to be Managing Director

and Kamaljit Kaur Chahal was stated to be C.M.D. while Gurchain Singh and Mukesh Kumar were stated to be agents of the company. A meeting was arranged between the complainant and Kamaljit Kaur Chahal at Patiala at the residence of Kamaljit Kaur Chahal where it was agreed that a contract would be executed for the period from 28.4.2016 to 28.2.2018 for sale of products and that the complainant would be required to deposit security of ₹ 21 lacs, which was paid by the complainant. It is alleged that the petitioner and Kamaljit Kaur Chahal sent him the Ayurvedic Medicines and the Gas Safety Device during the period 13.5.2016 to 8.11.2016 but subsequently the said persons closed their office. Though, they assured him to return amount of ₹ 21 lacs, which had been taken as security, along with interest but the same was not returned.

3. Notice of this petition was issued to the State. The learned State counsel assisted by Shri Ramandeep Singh Pandher, counsel for the complainant has opposed the petition.
4. The learned counsel for the petitioner has submitted that he was at best an employee working for M/s E-Anantha and that even as per the FIR, there is no allegation that the alleged amount of security had been given to the petitioner. The learned counsel for the petitioner has further submitted that in any case, at best, the present case could be a case of civil liability and no criminal liability can be fastened on the petitioner.
5. On the other hand, the learned State counsel has submitted that since the petitioner was in league with Kamaljit Kaur Chahal and that it was upon his representation that the complainant had parted with the amount of ₹21 lacs, therefore, his involvement in the entire episode is evident and that he

along with Kamaljit Kaur Chahal had defrauded the complainant of huge amount.

6. Having considered rival submissions, I find that even as per the FIR, the business transactions between the complainant and the company by the name of E-Anantha had taken off, as admittedly, the Ayurvedic medicines and the Gas Safety Device had been supplied to the complainant for the period of about six months i.e. during 13.5.2016 to 8.11.2016, though the contract was for two years i.e. 28.4.2016 to 28.2.2018. The present FIR was lodged in May, 2018 i.e. the expiry of aforesaid period of two years. It is debatable as to whether it is a case of misappropriation of security amount or as to whether some dispute had arisen on account of settlement of final accounts after expiry of two years, since although the company is stated to have discontinued the supplies after 2016, but the present FIR came to be lodged in May, 2018.
7. Having regard to the aforesaid facts and circumstances, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted. In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds 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.

13.8.2018

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No