

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

CRM-M-26481 of 2018 (O&M).

Decided on:-July 16, 2018.

Vivek Sidhu.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vaneet Kumar Sharma, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

Mr. N.S. Swaitch, Advocate
for the complainant.

HARI PAL VERMA, J. (ORAL)

This is the second petition filed by the petitioner under Section 438 Cr.PC for grant of anticipatory bail in FIR No.57 dated 07.04.2018 under Sections 406, 420 and 120-B IPC registered at Police Station S.B.S. Nagar, District Police Commissionerate, Ludhiana. The earlier petition i.e. **CRM-M-21892 of 2018** was dismissed as withdrawn vide order dated May 21, 2018 passed by this Court.

The aforesaid FIR was registered against the petitioner on the basis of a complaint made by complainant Gurminder Singh, wherein he has alleged that petitioner Vivek Sidhu and co-accused Sandeep Sidhu and Harpreet Kaur had committed cheating with him and misappropriated his lakhs of rupees. The accused in order to save themselves from legal action sought time for compromise and entered into a written compromise with the

complainant. They also issued cheques to him, but later on, they did not fulfil the terms of the compromise and openly started telling that they have compromised the matter with the complainant to save themselves from legal action. Thereafter, the complainant reported the matter to the Incharge, E.O. Wing, Ludhiana and vide report dated 21.09.2015, the said Wing recommended for registration of the FIR. Thereafter, the accused came to know that case is going to be registered against them and as such, they again entrapped the complainant and entered into a false compromise with him. The complainant believed them and did not take any action on his application.

The accused also issued cheques to the complainant. When the complainant presented cheque No.047436 dated 26.04.2017 amounting to Rs.1 lakh drawn on Vijaya Bank, Ludhiana and cheque No.636461 dated 26.04.2017 amounting to Rs.1 lakh drawn on Punjab National Bank, Ludhiana to his banker i.e. Oriental Bank of Commerce, Ludhiana, the same were returned with the remarks that the accounts pertaining to these cheques are closed. When the complainant talked to the accused regarding dishonouring of the cheques, they denied to repay the amount.

Learned counsel for the petitioner has argued that apart from the fact that there is a delay of 13 years in lodging the FIR, on 01.08.2016 the complainant had entered into another compromise with the petitioner and his brother vide which the complainant received 5 cheques of Rs.40,000/- each total amounting to Rs.2 lakh drawn on HDFC Bank, Ludhiana. Vide said compromise, both the parties abided themselves that from the said date, nothing is due between the parties and the said cheques were encashed. The present FIR has been lodged just to extort money from the petitioner and his

family. As per undertaking dated 19.12.2014 (Annexure P-3) and compromise deed dated 01.08.2016 (Annexure P-4), nothing is due between the parties, but the complainant with an intention to use the provisions of criminal law as a weapon of extortion has lodged the present FIR.

On the other hand, learned State counsel and learned counsel for the complainant have argued that the petitioner along with other co-accused have cheated the complainant to the tune of Rs.43,50,000/-. Therefore, in view of the seriousness of offence, custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties.

Admittedly, the petitioner had earlier approached this Court for grant of anticipatory bail, but that petition was dismissed as withdrawn vide order dated May 21, 2018. No provision of law has been shown by the petitioner entitling him to file a second petition seeking anticipatory bail. A huge amount of Rs.43,50,000/- is stated to have been duped by the petitioner and other co-accused. Therefore, keeping in view the serious nature of allegations levelled against the petitioner, this Court finds that no ground for grant of anticipatory bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

July 16, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No