

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-31723-2018

Date of Decision: October 31, 2018

Jagmail Singh

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vishal Garg, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Aman Bahri, Advocate
for the complainant.

Sudhir Mittal, J. (Oral)

Learned State counsel submits that pursuant to the order dated 27.07.2018 the petitioner has joined investigation. However, recovery of Rs.2.5 lacs has to be effected from him and he is not cooperating with the investigation.

The case was argued in part on 23.10.2018 and after hearing learned counsel for the parties and noticing that the bank statement of Complainant-respondent No.2 supports his claims that a sum of Rs.2.5 lacs, was paid to the petitioner, the counsel for the petitioner was directed to seek instructions.

Learned counsel for the petitioner submits that the petitioner has not taken the aforementioned amount of Rs.2.5 lacs. The petitioner was a customer of

the complainant like many other persons and it is most improbable that a businessman like the complainant would have handed over an amount of Rs.2.5 lacs without reducing the transaction into writing. A false case has been planted upon the petitioner, which is because he stopped purchasing petrol from petrol pump of the complainant. Since the petitioner has joined investigation, the interim bail granted to the petitioner be confirmed.

Learned State counsel as well as learned counsel for the complainant submit that the bank statement of the complainant corroborates the factum of loan of Rs.2.5 lacs because on the date of the transaction, there is corresponding entry in the bank account. Further, during the course of the investigation, two witnesses have got their statements recorded that the money was lent in their presence. When the complainant demanded return of money, the petitioner sought to injunct him by approaching the Civil Court. This is not the conduct of an honest person and thus, interim bail granted to the petitioner be not confirmed.

Grant of anticipatory bail is a discretionary power. Some of the relevant considerations for exercise of this discretion are seriousness of the offence, conduct of the accused, likelihood of the accused interfering with the process of investigation and chances of the accused fleeing from the law. In the facts and circumstances of the present case, it can safely be said that the conduct of the petitioner is not above board. The petitioner used to purchase fuel from the pump of the complainant on credit and a huge amount of Rs.8 lacs was due. Although, this bill was cleared, the petitioner sought loan from the complainant on the basis of their past relationship. Instead of returning the money or asking for more time to return the same, the petitioner filed an injunction suit against the complainant. This effectively displays that the petitioner wants to digest the money borrowed from the

complainant. Even after an opportunity was granted to him to come forward and settle the matter, the petitioner has chosen to be adamant. Cheating is a serious offence and dishonest persons are not entitled to the grant of discretionary relief.

The petition is accordingly dismissed.

October 31, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No