

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31639-2017 (O&M)

Date of decision: 05.02.2018

Major Mattu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Z.S. Chauhan, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.145 dated 23.06.2017 under Sections 406, 420 IPC, registered at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar.

Counsel for the petitioner submits that as per the allegations in the FIR, the complainant has given an amount of Rs.2.50 lacs to the petitioner by way of two cheques for sending son of the complainant abroad. The petitioner later on gave a cheque dated 21.12.2015, but the same was dishonoured and thereafter, the present FIR was registered.

On 28.08.2017, the petitioner had given an undertaking that he is ready to pay an amount of Rs.50,000/- to the complainant and vide order dated 28.08.2017, his arrest was stayed. However, on subsequent two dates i.e. on 25.10.2017 and 11.01.2018, the petitioner failed to pay the aforesaid amount of

Rs.50,000/- to the complainant, as undertaken by him to show his bonafide. On 11.01.2018, it was clarified that in case the aforesaid amount of Rs.50,000/- is not paid to the complainant on or before the next date of hearing, interim order shall stand vacated.

Learned State counsel, on instructions from ASI Sushil Kumar, has submitted that till date, no amount has been submitted by the petitioner either to the Investigating Officer or to the complainant by way of demand draft as undertaken by him on 28.08.2017, when his arrest was stayed. Learned State counsel has opposed the prayer for bail on the ground that the petitioner had taken the amount of Rs.2.50 lacs from the complainant by way of two cheques, which were encashed by the petitioner and later on he failed either to send the son of the complainant as travel agent or return the money, thus, he has committed the offence of cheating with the complainant.

After hearing learned counsel for the parties, considering the allegations levelled against the petitioner in the FIR as well as his conduct during pendency of the present petition, no ground for grant of anticipatory bail is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

05.02.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No