

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

CRM-M-42242-2017

Date of decision: March 23, 2018

Harsh Arora

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab assisted by
SI Sarabjit Singh.

Mr. R.P. Dhir, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J.(ORAL)

Petitioner has preferred the instant petition under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in case FIR No.34 dated 15.04.2016, registered under Sections 420, 506 of the Indian Penal Code at Police Station Chhabewal, Hoshiarpur.

Status report by way of affidavit of Gurjit Pal Singh, PPS Deputy Superintendent of Police (Investigation)-cum-Incharge Sub Division Chabewal, District Hoshairpur filed by learned State counsel is taken on record.

It is a case of the prosecution that complainant-Didar Singh had sold goods to the petitioner and his associate. In lieu of that, Deepak Arora as well as Mani @ Harsh had to pay a sum of Rs.2,13,000/-. However, they had handed over the cheque of Rs.2,13,000/- dated 13.11.2014 of State Bank of India, Civil Line Jalandhar duly signed by defendant No.3 to the complainant to collect the money. The cheque was of

firm Ambika Concest Pvt. Ltd. upon which petitioner had put his signatures. The firm also reported to be of the petitioner. Complainant presented the cheque for payment and it was informed that the petitioner has already closed the bank account.

Learned counsel for the petitioner submitted that it is purely case of civil nature whereas, learned counsel for the complainant vehemently contended that it is a case of cheating.

I have heard learned counsel for the parties and given thoughtful considerations to the rival submissions of the parties.

Learned State counsel on instructions from SI Sarabjit Singh submitted that petitioner has joined investigation and nothing is to be recovered from him. Civil matter is also pending.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 09.11.2017, passed by this court, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(RAJ SHEKHAR ATTRI)
JUDGE

March 23, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No