IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.42916 of 2017
Date of decision: 24.4.2018

Avtar Singh Matharoo

…Petitioner

Versus

State of Punjab

...Respondent

Coram: Hon'ble Mr. Justice Sudip Ahluwalia

Present: Mr.Karan Vir Nanda, Advocate for the petitioner.

Ms.Rajni Gupta, Senior D.A.G., Punjab.

Mr.Suvir Sehgal and Mr. Akshay Sethi, Advocates for the complainant.

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Sudip Ahluwalia, J. (Oral)

1. This is an application for anticipatory bail in case FIR No.190 dated 2.9.2017 under Sections 406/420 IPC registered at Police Station Phase 1, Mohali.

2. F.I.R. was lodged on behalf of the complainant, who stated therein that he had come into contact with the petitioner about four years earlier when iron grills in House No.3021, Janta Society, Sector 51, Chandigarh, were being installed by the complainant. At that time, the petitioner was allegedly running his office on the top floor of the aforesaid premises. He is alleged to have befriended the complainant and taken him into confidence by representing that he himself belongs to the same caste (Matharoo). The petitioner is thereafter alleged to have tempted the complainant with promises of supplying him a lot of professional work, which he, however, did not do, but having gained his confidence, he

subsequently duped the complainant by his following acts, which have also been noted by the Ld. Additional Sessions Judge, Mohali, in rejecting the petitioner's earlier bail application, by initially demanding an amount of ₹15,00,000/- (Rupees Fifteen Lacs Only) for effecting some property deal as a loan. The complainant, thereafter gave, *"Rs.11.50 laks to petitioner. When complainant demanded his money back, petitioner put of the matter on lame excuses. Thereafter, petitioner persuaded the complainant to join in his venture and convinced the complainant to bring a business worth Rs.2 Crore from Delhi based firm for which a surety cheque for Rs.30 lakhs was required to be submitted before the organization. Petitioner fraudulently and dishonestly obtained a cheque of Rs.30 lakh from the complainant in July 2016 alongwith some blank letter head with the signatures of complainant for submitting quotation. Petitioner further duped to the complainant by falsely stating that a partnership deed is required to be written between the petitioner and complainant in order to convince the firm in Delhi. Petitioner dishonestly induced to the complainant to execute a partnership deed. The petitioner also got some paper related to ownership of plot signed by them in the concerned file. Thereafter, petitioner without the consent of complainant and without his knowledge submitted some documents to the aforesaid corporation to grab the property. On the basis of application/complaint, FIR was registered."*

3. In addition, it is also seen in the original F.I.R. that the complainant had made an allegation to the effect that the petitioner is an expert in counterfeiting currency with certain chemicals, on account of which even Section 489 of the Indian Penal Code was mentioned in the F.I.R. This Court has gone through the available material on record. It may

be observed that while the complainant has made serious allegations against the petitioner, undeniably his own conduct cannot be said to be that of a man acting in a rational and prudent manner. At the outset, it may be observed that a businessman allegedly signing blank or filled up documents without trying to satisfy himself about the purpose and contents of the same and having put such huge stakes simply on the allegation that his confidence had been won over by the other person, who claimed to belong to the same Caste is not altogether convincing. Furthermore, it has transpired that the cheque for ₹30,00,000/- (Rupees thirty Lacs only) allegedly given to the petitioner by the complainant was not even encashed by the petitioner who contends that it was done on the written request of the complainant himself, and that he is even willing to produce the original cheque as well as request of the complainant. The net result therefore, comes to a situation in which even assuming the complainant was induced to issue the cheque in question under whatever representations, on account of its non encashment clearly no wrongful gain or loss has actually been caused to either side atleast on account of the said cheque.

4. As already observed earlier there are wild unsubstantiated allegations of petitioner's involvement in counterfeiting currency which in any case should not concern the complainant and to support which, there is no material available in the case diary. As such, considering the peculiar and irrational conduct of the complainant as claimed by him during the course of his entire association with the petitioner and on perusing the impugned partnership deed which appears to have been duly executed/authenticated by a Notary, at this stage, it would not appear to be a fit case for custodial interrogation of the petitioner. Consequently, the interim bail granted to him

earlier is confirmed.

5. Disposed off.

April 24, 2018 **(Sudip Ahluwalia)**
Apurva/Meenu **Judge**

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No