

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRM-M-45741-2018 (O&M)
Date of Decision : 16.10.2018

Vinay Kumar Pania

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Mohit Nehra, Advocate for the petitioner.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner seeks anticipatory bail under the provision of Section 438 Cr.P.C. in FIR No.514 dated 17.09.2018 under Sections 406, 420 of IPC registered at Police Station City Jind.

2. Allegations are relating to economic offences like cheating of money. He cheated the complainant in business transaction of Rs. 4,20,000/-. The sessions court has taken note of a decision reported in 2017 (4) CCL-51 titled as ***Prem Singh @ Premi versus State of Haryana*** but due to non-cooperation by the petitioner Sessions court distinguished the same. Initially Sessions Court allowed the interim relief but later on withdrawn as he was not cooperating in the investigation i.e. with regard to recovery of amount.

3. Even in the latest decision of the Supreme Court titled as ***Prabhatibhai Aahir @ Parbhatbhai Bhimsinhbhai Karmur and others versus State of Gujrat and another*** reported in 2017 SCC Online SC1189, held as under:-

17. *The same principle was followed in Central Bureau of Investigation v Maninder Singh by a bench of two learned Judges of this Court. In that case, the*

High Court had, in the exercise of its inherent power under [Section 482](#) quashed proceedings under [Sections 420, 467, 468 and 471](#) read with [Section 120-B](#) of the Penal Code. While allowing the appeal filed by the Central Bureau of Investigation Mr Justice Dipak Misra (as the learned Chief Justice then was) observed that the case involved allegations of forgery of documents to embezzle the funds of the bank. In such a situation, the fact that the dispute had been settled with the bank would not justify a recourse to the power under [Section 482](#):

“...In economic offences Court must not only keep in view that money has been paid to the bank which has been defrauded but also the society at large. It is not a case of simple assault or a theft of a trivial amount; but the offence with which we are concerned is well planned and was committed with a deliberate design with an eye of personal profit regardless of consequence to the society at large. To quash the proceeding merely on the ground that the accused has settled the amount with the bank would be a misplaced sympathy. If the prosecution against the economic offenders are not allowed to continue, the entire community is aggrieved.”

Supreme court laid down that court should be slow in extending relief wherever the cheating or economic offences are involved. Hence present petition stands dismissed.

16.10.2018
pooja saini

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No