

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-398-2019 (O&M)
Reserved on: 23.1.2019
Date of Decision:- 29.1.2019

Balwant and another ... Petitioners

Versus

State of Haryana ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Mamli, Advocate, for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Aseem Aggarwal, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.649, dated 12.12.2018, registered at Police Station Shahabad, District Kurukshetra, under Section 420 of Indian Penal Code, 1860.
2. The FIR was lodged at the instance of Anil Kumar wherein it has been alleged that both the petitioners namely Balwant and his wife Anita are into business of sending young persons abroad and to get them settled there. It is alleged that both the accused came over to the complainant's village Golpura in December, 2017 and represented that they could send both the sons of the complainant abroad i.e. to Canada

and asked for an amount of ₹50 lacs and the complainant taking their representation to be true, paid an amount of ₹40 lacs to them but the accused/petitioners despite having received the said amount did not send sons of the complainant abroad. Subsequently when the complainant pressurized the accused to return back his amount, petitioner-Balwant gave three different cheques, issued from three different banks, totaling an amount of ₹40 lacs but all the three said cheques upon presentation were dishonoured.

3. The learned counsel for petitioners has submitted that they have falsely been implicated in the present case and in fact there was some monetary transaction going on earlier amongst the parties. Learned counsel in this context has shown some receipts indicating that an amount of ₹2 lacs had earlier been transferred in the account of the complainant.
4. On the other hand, learned State counsel assisted by counsel for the complainant has submitted that the factum of withdrawal of an amount of ₹20 lacs by the complainant from his account is duly substantiated from statement of account of the complainant which has been collected during the course of investigation and that since Anil Kumar had also issued cheques for an amount of ₹40 lacs in order to return the amount received from complainant which were dishonoured, the complicity of the petitioners is evident and no case for grant of anticipatory bail is made out.
5. Having considered rival submissions addressed before this Court and the fact that withdrawal of an amount of ₹20 lacs by the complainant

is duly established and also that the cheques issued by the petitioners to return the aforesaid amount have been dishonoured. This Court does not find any special case for grant of anticipatory bail.

6. There is no merit in this petition and the same is hereby dismissed.

January 29, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No