

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-19490-2019
Date of decision: 06.05.2019

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Abhimanyu Kalsy, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 50 dated 16.04.2019, registered under Section 420 IPC at Police Station Division No. 1, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the complainant has given an amount of ₹14 Lakh to the petitioner in February, 2017 for sending his son Shivam to Australia, however, he was sent to Thailand in June, 2017 and thereafter, again in 2018, another amount of ₹2 Lakh was given but his son was sent to Dubai.

Learned counsel for the petitioner further submits that in fact the petitioner is not a travel agent and he is running a gym and he has obtained a loan of ₹5 Lakh from Shivam against which, he has given a security cheque of ₹8 Lakh and he is paying the loan amount in installments.

Learned counsel for the petitioner has relied upon the bank statements of the petitioner (Annexure P-3 Colly.) to submit that he is regularly making the payment of loan amount by giving an installment of ₹24,000/- per month.

Learned counsel for the petitioner further submit that it is not the first time when the son of the complainant has travelled abroad and in fact in June, 2016 also, he had travelled abroad and had purchased the tickets from M/s Verma Toor & Travels and the petitioner, much prior to registration of the present FIR, has given a complaint (Annexure P-4) to Commissioner of Police, Ludhiana on 07.02.2019 regarding obtaining his signatures on blank papers and regarding cheque of ₹8 Lakh which was a security cheque. It is further submitted that in the said inquiry, one person has also appeared on behalf of M/s Verma Toor & Travels and he has made statement that the tickets were purchased from the said travel agency.

Learned counsel for the petitioner further submits that there is no proof of payment ₹14 Lakh in cash, rather, it is a money dispute which has been converted into the present FIR.

Learned State counsel, on instructions from the Investigating Officer, assisted by learned counsel for the complainant, submits that the complainant has given an agreement dated 10.01.2019, in which the petitioner has stated that he is the citizen of Australia and has acknowledged the receiving of amount including the cheque of ₹8 Lakh, however, learned State counsel, could not dispute that the inquiry is pending before ADCP, Special Branch, Ludhiana, in which, the statement of Gurdeep Singh, who is Manager of M/s Verma Toor & Travels has been recorded.

Learned counsel for the complainant has relied upon the

aforesaid agreement to submit that the petitioner has acknowledged the receiving of the amount and now he is refusing to repay the same.

After hearing learned counsel for the parties, this Court finds it to be a fit case where the concession of anticipatory bail can be granted to accused/petitioner as apparently and even as per the complainant, the dispute is arising out of an agreement in which the petitioner has already given a cheque of ₹8 Lakh.

Learned counsel for the complainant could not dispute the fact that by way of bank transfer, the petitioner has been making monthly payments in favour of the complainant's account.

Accordingly, without commenting anything on the merits of the case, this petition is allowed and the petitioner is granted concession of anticipatory bail, subject to his furnishing bail/surety bonds to the satisfaction of the Investigating Officer/Arresting Officer.

The petitioner is directed to join the investigation and submit the documents to the Investigating Officer as and when called upon to do so. The petitioner shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

06.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No