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

CRM-M-46559-2018 (O&M)
Date of Decision:- 4.2.2019

Parshotam Sharma … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Avtar Singh Khinda, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

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GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.228, dated 16.9.2018, registered at Police Station Tanda, District Hoshiarpur, under Sections 420 IPC.

2. The FIR was lodged at the instance of Harminder Kaur, wherein it has been alleged that she was working in a bank and while working there she came across one Pankaj Sharma son of Surinder Pal who had visited the bank for opening a bank account and who represented to her that he could send her abroad i.e. to Canada and for which she would be required to pay an amount of ₹ 15 lacs. It is alleged that the complainant being taken in by the representation, paid an amount of ₹ 12.50 lacs by way of various transactions. It is also alleged that

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two of the aforesaid transactions were made by way of transfer i.e. a transaction for ₹ 1 lakh and another transaction for ₹ 1.5 lacs into the account of one Rekha. It is alleged that despite having taken the said amount the complainant was not sent abroad despite receipt of said amount.

3. Learned counsel for the petitioner has submitted that in fact the complainant had won his confidence pursuant to they having come across each other through a matrimonial website namely Shadi.com. Learned counsel has submitted that several intimate messages were exchanged amongst the complainant and the petitioner during a period of 7 months and they also visited several places together. Learned counsel has drawn the attention of this Court to photographs (Annexure P-3) where the complainant and the petitioner are having a dip in a holy pond in Haridwar. Learned counsel has submitted that the complainant is now trying to blackmail the petitioner by lodging a false FIR.

4. Learned State counsel, while opposing the petition, has submitted that since the petitioner has been specifically named in the FIR wherein he is named as Pankaj Sharma instead of Parshotam Sharma and there are specific allegations regarding transfer of an amount of ₹12.50 lacs, no case for grant of bail is made out.

5. Having considered rival submissions addressed before this Court and while noticing the transcripts of the WhatsApp conversation and photographs (Annexure P-3), this Court *prima facie* finds that it is

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not a case of some professional relationship which the parties shared but something more than that.

6. Bearing the aforesaid facts and without commenting anything upon merits of the case, in my opinion, it is a fit case for grant of anticipatory bail especially when the petitioner is stated to have joined investigation. The petition, as such, is accepted and interim directions issued vide order dated 22.10.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

February 4, 2019 **(GURVINDER SINGH GILL)**
mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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