

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

**CRM No. M-26670 OF 2019
DATE OF DECISION : 26.06.2019**

Monu

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

Mr. Karan Padam, Advocate for
Mr. Manoj K. Tanwar, Advocate,
for the complainant.

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking grant of anticipatory bail in case FIR No.32 dated 11.02.2019 under Sections 420/415/467/468/471/506/34/120-B IPC registered at Police Station Bhondsi, District Gurugram.

2. Learned counsel for the petitioner contends that allegations levelled against the petitioner by the complainant in the FIR is that he had remitted an amount of ₹10 lacs in the bank account of the petitioner through NEFT/RTGS. Apart from that, he also made a cash payment of Rs.30 lacs, on account of sale of a plot by the petitioner.

3. Learned counsel further submits that neither any agreement to sell was produced in the proceedings before the trial Court under Section 156(3) Cr.P.C nor before the Investigating Officer. He also contends that in fact the FIR is a counter blast to a complaint instituted under Section 138 of the Negotiable Instruments Act, 1881, by the petitioner against the son-in-law of the complainant, wherein he has given the details of said remittance of ₹10 lacs which are stated to be on account of loan which he had extended to the complainant and his family members and the same was duly refunded to him. It is further contended that it is also stated in the said complaint that a cheque issued by the complainant's son-in-law for an amount of ₹50 lacs in favour of the petitioner towards satisfaction of the loan amount given to him, had since got dishonoured, resulting into the institution of a complaint under section 138 of the Negotiable Instruments Act, *ibid*.

4. On a query posed to learned counsel representing the complainant with regard to the allegations of making cash payment of ₹30 lacs without any corroborating documents, in support thereof, no plausible explanation has been offered by him.

3. In the premise, the petition is allowed. The petitioner is directed to present himself before the Investigating Officer for joining investigation and in the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds/surety bonds

bonds to the satisfaction of Investigating Officer. He shall abide by the terms and conditions as envisaged under Section 438 (2) Cr.P.C.

(ARUN MONGA)
JUDGE

JUNE 26, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No