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

216) CRM-M-29694-2019 (O&M)
Date of Decision: 18.09.2019

Kamaljeet ...Petitioner

Versus

State of U.T., Chandigarh …Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. R.K. Handa, Advocate, for the petitioner.
Mr. Rajiv Vij, Addl. P.P., U.T., Chandigarh.
Mr. Nitin Jain, Advocate, for the complainant.

***

Amol Rattan Singh, J. (Oral)

On 16.07.2019, the following order had been passed:-

"Learned counsel for the petitioner submits that as a matter of fact the petitioner had borrowed Rs.3 lacs from the complainant, which was deposited by the complainant in the petitioners' bank account, i.e. the Yes Bank at Mukerian, on October 09, 2018, towards which he points to the relevant entry in his statement of account, a copy of which has been annexed as Annexure P-2 with the petition.

As regards amounts of Rs.1,20,000/- and Rs.50,000/- shown to be deposited in bank account no.36740100002800, Mr. Handa submits that the said account number is not that of the petitioner.

When confronted with the same bank account number as the petitioner admits to be his in the Yes Bank at Mukerian, in which the complainant contends he deposited Rs.40,000/- on October 04, 2018 and then again Rs.2,10,000/- on October 06, 2018 and again Rs.1,50,000/- on 16.10.2018, as also another Rs.25,000/- on 22.10.2018, Mr. Handa submits that said deposits were never made by the complainant, who is only taking advantage of cash deposits in the account of the petitioner.

As to who made those deposits, Mr. Handa seeks time to inform this Court.

In order to try and get to the bottom of the controversy, let notice of motion be issued to the respondents, returnable on 26.07.2019.

In the meanwhile, the aforesaid information would be obtained by the learned counsel for the petitioner."

That has still not been complied with, inasmuch as no receipt has been produced, showing as to who had made the deposit in the petitioners' account, which account was initially denied by Mr. Handa to be the petitioners' account; but with learned counsel for the complainant having today produced in Court receipts dated 04.10.2018, 06.10.2019, shown to be issued by the Yes Bank, with regard to deposits of Rs.40,000 and Rs.2,10,000/- having been made respectively, with the name of the depositor shown to be Manoj Kumar, who is stated to be the complainant in the FIR.

He further points to the fact that the petitioner also got a fake job offer letter issued to the complainant, ostensibly issued by one Sanora Resort Limited, in the Sanora Island, British Colombia, Canada.

Mr. Vij, learned Addl. P.P., U.T., further submits that it has been now verified that even the visa shown to be issued on the passport of the complainant, ostensibly by the Canadian Embassy, was actually a forged document.

Mr. Handa however submits that one Gurmeet Singh also claimed that he deposited the amounts claimed to have been deposited by the complainant and the petitioner has in fact issued him a cheque in lieu of that amount deposited, which cheque was dishonoured, leading to proceedings under Section 138 of the Negotiable Instruments Act, 1881.

Having considered the aforesaid argument also, the first contention of Mr. Handa having been shown at least before this Court at this stage to be incorrect, as regards the deposit of the amount made by the complainant into the account of the petitioner himself, with learned Addl. P.P. having also submitted that the visa stated to be affixed on the passport of the complainant also found to be a forged one, I see no reason to entertain this petition.

As regards the case under the provisions of the Negotiable Instruments Act, 1881, stated to have been instituted by Gurmeet Singh, whether such case has been genuinely instituted by such person, or whether it is in connivance with the petitioner, only to try and get him 'off the hook' in the criminal case, is something which needs to be observed by this court, though obviously with no actual comment made thereupon.

As regards the petitioner having taken money from the complainant in the present case, in view of the fact that money is shown to have been deposited by the complainant in the petitioners' account itself, as has already been observed herein above, there would be no reason to further continue with this petition, as also already stated herein above.

Consequently, this petition is dismissed, with the interim order passed in favour of the petitioner vacated.

Naturally, the observations made by this court are in the context of a petition seeking anticipatory bail in terms of Section 438 of the Cr.P.C.

(AMOL RATTAN SINGH)
18.09.2019 **JUDGE**
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: Yes