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

**CRM-M-31287 of 2019 (O&M)**

**Date of decision: September 12, 2019**

Amritpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** Ms. Shivya Sehgal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

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**MAHABIR SINGH SINDHU, J (Oral)**

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.24 dated 01.02.2019, under Sections 406, 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Khanna City-2, Police District Khanna, District Ludhiana.

Mr. Jasvinder Singh Saini, Advocate appears, files Power of Attorney on behalf of the complainant and the same is taken on record.

Brief facts of the present case are that on the asking of one Inderjit Singh and the petitioner, complainant gave ₹10 lakhs to the petitioner through RTGS and ₹2 lakhs in cash. When complainant asked to return his money, petitioner issued him a cheque, which was dishonored by the Bank. Thus, the petitioner cheated the complainant

to the tune of ₹12 lakhs.

Contends that the petitioner has been falsely implicated in this case. Also contends that no case under Sections 406, 420 of IPC is made out against the petitioner as he had issued a cheque in favour of the complainant to repay the amount, which was ultimately dishonored by the Bank, at the most, a case under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act') could be made out.

On the other hand, learned State counsel has opposed the prayer of the petitioner on the ground that allegations levelled against the petitioner are serious in nature as he has cheated the complainant and committed criminal breach of trust.

Heard both sides and perused the paper-book.

There is a specific allegation against the petitioner that he has received an amount of ₹10 lakhs from the complainant by way of RTGS, which has been duly reflected in his bank account. It has also come on record that the petitioner issued a cheque bearing No.043392 dated 05.09.2018 for an amount of ₹12 lakhs in favour of the complainant, but the same was dishonored, on 05.09.2018. Ultimately, harassed with the situation, petitioner got lodged the present FIR and that shows a clear case of cheating as well as criminal breach of trust on the part of the petitioner.

It is also to be noted that learned counsel for the petitioner was given an offer to refund an amount of ₹5 lakhs to the complainant, subject to final outcome of the criminal case, but on instructions from

the petitioner, the same has been declined.

Keeping in view the above, custodial interrogation of the petitioner would be required to unearth the entire episode, thus, no ground for grant of anticipatory bail to the petitioner, is made out.

Petition stands dismissed.

However, the above observations may not be construed as an expression of opinion on the merits of the case.

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

**September 12, 2019**

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No