IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.61680 of 2018 (O&M)

Reserved on: 23.01.2019

Date of decision: 25.01.2019

Anil Gupta

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunil Kumar Aggarwal, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J.

CRM No.1825 of 2019

Heard.

Allowed as prayed for.

Documents (Annexures P1 to P12) are taken on record subject to all just exceptions.

MAIN CASE

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0558/2018 dated 28.11.2018 registered under Sections 34/406/409/420/467/468/471/506 of the Indian Penal Code (in short 'IPC') at Police Station Kundli, District Sonepat.

Brief facts of the case are that the accused has made the false representation and induced the complainant to make investment in the company of his relative namely Rashmi namely Astha Credit and

Security Private Limited and in pursuance of the same, the complainant has transferred a sum of Rs.15 lacs in the account of accused No.4 company and thereafter, on his representation he has transferred Rs.5 lacs each through RTGS on different dates in the account of accused No.4. In this manner, the accused along with other co-accused have committed cheating with the complainant.

Counsel for the petitioner has submitted that 03 cheques referred to in the FIR i.e. 065403 to 065405, were given to the petitioner by the complainant in the year 2017 and not in 2018 and the same were encashed on 15.07.2017 and 23.08.2017. It is further submitted that the dispute is primarily regarding the cheques qua which, legal notice was sent by the petitioner demanding the aforesaid cheques back from the complainant. Counsel for the petitioner has further argued that the payment made by RTGS pertains to accused No.4 and not to the petitioner and, in fact, it was on account of a property deal between the complainant and the petitioner, which could not mature and the petitioner had to purchase another property. Counsel for the petitioner has also relied upon certain documents/bank statements, in this regard.

In reply, counsel for the State, on instructions from the Investigating Officer, has however, opposed the prayer for bail on the ground that all the accused persons by inducing the complainant to invest the money for huge profits, have taken Rs.15 lacs by way of RTGS and thereafter, another amount of Rs.5 lacs was given on two occasions by way of RTGS in favour of accused No.4. It is further submitted that all the accused persons are in conspiracy with each other and after taking money from the complainant, they have refused to return the same. It is further argued that there is no agreement to sell to show that the petitioner had any property transaction with the complainant.

After hearing the counsel for the parties, I find no ground to grant anticipatory bail to the petitioner as a perusal of the FIR clearly show that on the false representation and inducement made by the petitioner/accused, the complainant made huge investment in the company of his relative namely Rashmi i.e. Aastha Credit and Security Private Limited. The accused persons after taking huge amount of Rs.15 lacs by way of RTGS on one occasion and Rs.5 lacs each on two occasions again by RTGS on different dates have allured the complainant that he will be given huge profits and thereafter, they have backed out and, therefore, in view of the specific allegations regarding inducement, forgery and cheating on the part of the petitioner and other accused and especially in view of the fact that the investigation is at initial stage and police requires custodial interrogation of the petitioner, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

25.01.2019
yakub

Whether speaking/reasoned Yes/No

Whether reportable Yes/No