

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-62237 of 2018

Date of Decision: 16.01.2019

Satish Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Satbir Rathore, Advocate
for the petitioner(s).

Mr. Neeraj Poswal, Assistant Advocate
General, Haryana, for the respondent.

Mr. Anuj Balian, Advocate
for the complainant.

Shekher Dhawan, J.

Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 550 dated 01.11.2018, registered under Section(s) 406 & 420 IPC (Sections 506 & 120-B were added lateron) at Police Station Thanesar Sadar, District Kurukshetra.

Learned counsel for the petitioner contended that parties to the litigation, being close relatives, involved in committee business; there were transactions of money at different times and some cheques were issued as security cheques, which are stated to have been misused. Learned counsel further contended that the alleged documents i.e. aadhar card, pan card and passport of the complainant are not with him, rather the same are with the complainant. Learned counsel further contended that Jitender Kaur, wife of the present petitioner filed petition vide CRM-M-75737-2018 for grant of pre-arrest bail, wherein vide order dated 19.12.2018, passed by this Court,

she was granted interim pre-arrest bail.

Learned counsel for the respondent/State as well as the complainant contended that in the month of August, 2017, accused persons had assured to send complainant-Naresh Kumar to America on multipurpose visa for a period of ten years and for that purpose he was required to make payment of Rs.20,00,000/- and also to give his passport, aadhar card, PAN card etc. and Rs.5,00,000/- was also required to be paid in advance. Subsequently, neither the above said documents were returned nor the complainant was sent abroad. As the matter involves misuse of the cheques, which were issued as security cheques and some documents are still to be recovered from the possession of petitioner, for which custodial interrogation of the petitioner is required, therefore, petitioner does not deserve the concession of pre-arrest bail.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that since the recovery of relevant documents i.e. aadhar card, PAN card and passport of the complainant is to be effected from the petitioner and for that purpose, his custodial interrogation is required. As such, no case is made out to grant the concession of pre-arrest bail to the petitioner and present petition stands dismissed.

(Shekher Dhawan)
Judge

January 16, 2019
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No