

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.4378 of 2020 (O&M)

Date of Decision: May 20, 2020

Saurabh Pandey

...Petitioner

Versus

State of U.T.Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, Addl.P.P. U.T.Chandigarh.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.206 dated 30.08.2019, under Sections 420, 467, 468 and 471 IPC, registered at Police Station, Sector 26, U.T.Chandigarh, pending trial. The petitioner is in custody since his arrest on 09.12.2019.

The above FIR was registered on the basis of a complaint filed by Gurmeet Singh, Managing Director, Block Buster Movies' Pvt. Ltd., under Section 156(3) Cr.P.C. before the Chief Judicial Magistrate, U.T. Chandigarh. As per the allegations, accused approached the complainant and revealed that they were going to organize an event in bay-area at California (USA) and impressed him by showing the requisite consent/ invitation letters. It was disclosed by the accused that the noted Cine Stars would launch the first ever Indian Academy Awards in July, 2017 and asked the complainant to invest a sum of Rs.1.00 crore in the event. An agreement between the parties was executed and according to it, the accused had agreed to return a sum of Rs.2.00 crores to the complainant. Also, three

cheques for a total sum of Rs.2.00 crores were issued in favour of the complainant in November, 2017. However, the same were dishonoured. It was narrated that the accused entered into a conspiracy in order to deceive and cheat the complainant as the assured amount has not been paid back to the complainant despite demand. On these broad allegations, the above FIR for the offences of cheating and forgery was registered.

Learned counsel for the petitioner contends that the dispute, if any, between the parties is at best of the civil nature, as the allegations are regarding breach of an agreement between the two parties. He submits that the petitioner himself suffered a loss in an attempt to organize the event which could not be organized for the reasons beyond his control as the venue, where the event was to be held, was not given because of a Soccer match. Learned counsel has invited the attention of the Court to the various documents annexed with the petition to show the bonafide of the petitioner and steps taken for organizing the event. It is further submitted by him that an amount of Rs.50.00 lacs has already been paid to the complainant, and referred to the order dated 20.01.2020 passed by Additional Sessions Judge, Chandigarh, where this fact is noticed. He submits that the offences are triable by Magistrate and as the trial will consume considerable time to conclude, therefore, the petitioner be granted regular bail during the pendency of the trial.

The prayer is opposed by the learned State counsel, who submits that of-course a sum of Rs.50.00 lacs has been received back by the complainant, but still a sum of Rs.50.00 lacs is to be paid by the accused. It is not disputed by the learned State that the investigation of the case is complete as the final report was filed on 01.02.2020. He states that the

charges have not been framed so far. It is apprised by Mr. Goyal that the case is fixed before the trial Court for 20.07.2020. It is further pointed out that as per the last order dated 08.05.2020, this Court had directed the petitioner to comply with the order dated 13.03.2020 by depositing the demand draft of Rs.5.00 lacs with the trial Court/Illaqa Magistrate, and the said order is yet to be complied with.

At this stage, learned counsel for the petitioner has referred to the order dated 14.05.2020 passed by the Judicial Magistrate Ist Class, Chandigarh to contend that the requisite compliance has been made and a sum of Rs.5.00 lacs has been deposited through demand draft bearing No.725824 dated 16.03.2020.

After hearing the learned counsel for the parties and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, particularly when the trial is likely to consume considerable time in view of the outbreak of global pandemic, namely, COVID-19 in the region and State Governments and District Administration have imposed various restrictions to curb its spread, therefore, further custody of petitioner may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Chandigarh.

The petition is allowed.

May 20, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No