

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-8070-2020

Date of Decision: 02.03.2020

Teerath Ram and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. SPS Sidhu, Advocate for the petitioners.

Mr. NS Sidhu, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioners, in case FIR No. 34 dated 10.02.2020 registered under Sections 452, 420 and 323 read with Section 34 IPC at Police Station Kotwali, Bathinda.

According to the prosecution, on 05.02.2020, the petitioners and two un-identified persons trespassing the shop of complainant-Mani Kumar, threatened him not to exert pressure to pay money, pursuant to compromise dated 30.07.2019, for which complainant was allegedly cheated by them. On exchange of hot words between them, petitioners gave pushes to the complainant, with dire consequences.

Learned counsel *inter alia* contends that petitioners are not backing out from compromise dated 30.07.2019. Both the petitioners and the complainant were jointly trading in immovable properties. Matter in dispute is of civil nature. FIR was lodged after 5 days of the occurrence.

Petitioners are not required for custodial interrogation.

On the other hand, refuting the above submissions, learned counsel for the complainant contends that the petitioners by taking ₹15,00,000/- from the complainant fictitiously, got executed agreement to sell in favour of their employee to cheat him for which some compromise took place. That apart, complainant was cheated for another sum of ₹15,00,000/-.

Having given thoughtful consideration to the rival submissions, this Court is of the considered opinion that petitioners are required for custodial interrogation to recover the cheated amount. Therefore, they do not deserve the concession of anticipatory bail.

Dismissed.

March 02, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No