

CRM-M-20074 of 2020

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

CRM-M-20074 of 2020
Date of Decision: 23.07.2020

Tarwinder Singh Sabharwal

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Simranjeet Singh, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab.
Mr. Nitesh Singhi, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing
due to pandemic Covid-19.

Through this petition under Section 438 Cr.P.C. prayer has
been made for grant of anticipatory bail to petitioner – Tarwinder Singh
Sabharwal – in case FIR No.280 dated 26.11.2019 registered under Sections
420, 406, 120-B IPC at Police Station Sahnewal, Ludhiana.

According to prosecution, petitioner induced complainant to
secure an oil tender for him from a Korean company, named Posco on
payment of ₹4.25 crore as surety amount. Petitioner also introduced his
accomplice Ashok Diwan and Arvind Swami as civil contractors of the
aforesaid Posco company. Hatching a conspiracy, petitioner along with his
aforesaid accomplice, cheated the complainant for ₹4,36,74,000/-, out of
which petitioner and his accomplice returned only ₹63,00,000/-. Still

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amount of ₹3,73,74,000/- is to be recovered from the petitioner.

Learned counsel *inter alia* contends that matter in dispute between complainant and petitioner based on documentary evidence, is of civil nature. Compromise (Annexure P-3) has also taken place between the parties. There is no cash transaction. Petitioner is not required for custodial interrogation. He is ready to repay the amount. But he is facing a problem that his bank account has been attached by Maharashtra Police.

Learned State counsel, assisted by learned counsel for the complainant, opposed the bail application, submitting that there are several FIRs against the petitioner registered by various people for cheating them by petitioner and his accomplice. One such FIR is registered at Bombay.

Having given thoughtful consideration to the rival submissions and the fact that petitioner and his accomplice defrauded the complainant for a huge amount i.e. approximately ₹4.00 crore, petitioner is certainly required for custodial interrogation to unearth *modus operandi* to commit such a huge fraud. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Dismissed.

July 23, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No