

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 23565 of 2020
Date of Decision: 03.9.2020**

Baljinder Kaur and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. L.M.Gulati, Advocate
for the petitioners.

Mr. Maninder Singh Bajwa, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 52 dated 01.4.2020, registered under Sections 420/120-B IPC, Police Station Patti, District Tarn Taran.

Learned counsel for the petitioners submits that the complainant is a Commission Agent and petitioner No. 2 had borrowed Rs. 1.00 lac from the complainant as he wanted to return the same to his office i.e. PWD. He further submits that Baljinder Kaur-petitioner No. 1 is a housewife and has nothing to do with sending the complainant to New Zealand.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG,

Punjab accepts notice on behalf of the State.

Learned State counsel, who is assisted by learned counsel for the complainant, has submitted that pursuant to a compromise entered between the parties, petitioner No. 2 had issued a cheque dated 5.7.2019 for Rs. 4.00 lacs to the complainant but upon presentation for encashment, the said cheque got dishonoured. When the complainant brought the said fact to the notice of the petitioner, petitioner No. 1 had issued another cheque dated 15.7.2019 of Rs. 4.00 lacs from the joint bank account of the petitioners. However, this cheque had also got dishonoured, which shows that the amount of Rs. 4.00 lacs was to be paid by the petitioners to the complainant.

I have heard the learned counsel for the parties.

In the present case, the factum of issuance of the aforesaid two cheques by the petitioners and the said cheques getting dishonoured, has not been disputed by the petitioners. Even the factum of compromise pursuant to which the aforesaid cheques were issued, has also not been disputed. This clearly shows that the petitioners owe the complainant the aforesaid amount of Rs. 4.00 lacs. The allegations against the petitioners are very serious and, thus, they are not entitled to the grant of concession of anticipatory bail.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

September 03, 2020
Gurpreet

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