

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

CRM-M-35884 of 2020.

Decided on:- November 04, 2020.

Jitender Jakhar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Chanderhas Yadav, Advocate
for the petitioner.

HARI PAL VERMA, J.

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.273 dated 05.10.2020 under Sections 420 and 406 IPC registered at Police Station Kosli, District Rewari.

The aforesaid FIR was got registered by complainant Ashok Kumar. As per the FIR, on 18.03.2019, when Poonam daughter of the complainant was coming from Jaipur to Kosli by train, she came in contact with the petitioner, who was sitting on the side seat and started talking to her. During this interaction, Poonam had disclosed to the petitioner that her younger sister Jyoti has cleared the examination of Sub-Inspector in Haryana Police, but her name is not coming in the list. The petitioner stated that he has

political connections/approach and can get this work done. He further stated that in case Poonam has applied for First Grade teacher in Rajasthan, she can inform her roll number before examination and he will get the work done, as he has relations there as well. He shared his mobile phone number with Poonam and told her that in case she had any problem, she should not hesitate to call him as he will treat her as his sister.

After reaching her house, Poonam informed all these conversations to her mother and younger sister Jyoti. After some days, Jyoti asked her sister Poonam to enquire from the petitioner, as probably call letters are being issued to the candidates who are in the waiting list. Accordingly, Poonam contacted the petitioner on phone on which the petitioner started saying that he will get this work done definitely. He stated that though earlier this work used to be done in Rs.10 lakh to Rs.12 lakh, but now, it would be done for Rs.15 lakh. This fact was shared by Poonam with the complainant and to her mother. Thereafter, they all discussed the matter as it was impossible to give such a huge amount. Therefore, the complainant stated that they all together will help Poonam and will sell the house in the village.

Accordingly, on 22.04.2019, the house was sold for Rs.5,50,000/-. An amount of Rs.15 lakh was paid to the petitioner and he had taken this money for getting the appointment of Jyoti in Haryana Police on the post of Sub-Inspector. On 04.04.2019, the complainant had paid Rs.7,50,000/- in cash to the petitioner after calling him at his house at 08.00 P.M. in the presence of his wife Sushila, whereas another sum of Rs.7,50,000/- was paid to the petitioner by the complainant on 11.07.2019 in the presence of his wife Sushila and daughter Poonam. The petitioner had

promised that he will give the copy of call letter by Friday i.e. 12.07.2019. However, when he did not give the copy of call letter on Friday, he stated that he will definitely give it by July 15, 2019. Thereafter, he kept dilly-dallying the matter by taking 5 days' time and sometime 10 days. The petitioner had given two cheques i.e. cheque No.298369 for an amount of Rs.7 lakh in the name of the complainant and cheque No.298368 for an amount of Rs.8 lakh in the name of Sushila Yadav wife of the complainant, but both these cheques were dishonoured on their presentation.

Learned counsel for the petitioner has argued that the petitioner is a practising advocate and is a responsible person. He has falsely been implicated by the complainant just to grab money from him. The complainant had planned to sell his plot and shop to the petitioner, which had already been sold by the complainant to some other person. In this manner, the complainant succeeded in procuring two blank cheques from the petitioner. The falsity of the FIR in question is clear, as after dishonouring of the cheques given by the petitioner, no notice was served by the complainant upon the petitioner nor any complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by the complainant against the petitioner. Rather, the petitioner has filed a complaint against the complainant to the Superintendent of Police, Rewari so as to seek independent probe into the allegations of FIR so registered against him.

He has further submitted that the complainant is a clever and cunning person and has trapped the petitioner by playing forgery and fraud upon him. The complainant had taken away two cheques from the petitioner

for an amount of Rs.15 lakh on the pretext of selling immovable property and thereafter, got the present case registered against the petitioner.

He has further contended that no case under Sections 420 and 406 IPC is made out against the petitioner. The story of the complainant is totally false and concocted. The complainant has alleged that the first payment was made prior to the alleged sale deed, whereas second payment was made after approximately 4 months of the alleged sale deed, which shows concoction of the story. The complainant is an educated person and after dishonouring of the cheques, did not take any action against the petitioner, as neither any notice was served nor any complaint was filed against the petitioner. The complainant has failed to adduce any evidence as to how he had arranged Rs.15 lakh so as to pay to the petitioner.

I have heard learned counsel for the petitioner and perused the order dated 29.10.2020 passed by learned Additional Sessions Judge, Rewari, whereby the application for anticipatory bail of the petitioner was declined.

Perusal of the order dated 29.10.2020 passed by learned Additional Sessions Judge, Rewari shows that the petitioner has not disputed that he had given signed cheques to the complainant. However, for the reason for giving such cheques, the petitioner has pleaded that he had given the same for the purpose of agreement qua the purchase of shop, but there is no agreement on record so as to give any weightage for such contention. It is highly improbable that a person like the present petitioner, who is an educated person, will issue cheques on the basis of some oral agreement.

While deciding the application, it has also been recorded by learned Additional Sessions Judge, Rewari that the counsel for the petitioner

had submitted that the petitioner is ready to give money to the complainant, but the money was neither paid nor it was shown that any effort for making the repayment has been made. So, the anticipatory bail was declined to the petitioner.

In view of the nature of allegations levelled against the petitioner, this Court does not find any reason to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

November 04, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No