

205

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

CRM-M No. 1458 of 2021
Date of Decision: 04.03.2021

Amarjit Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sumeet Pal Singh Khaira, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.200 dated 29.12.2020 registered under Section 420 IPC at Police Station Khamanon, District Fatehgarh Sahib.

Notice of motion was issued on 13.01.2021 after noticing the argument of learned counsel for the petitioner that an earnest money to the tune of Rs.16,50,000/- was paid to the complainant vide cheque dated 14.03.2019 drawn at Bank of Baroda. Remaining amount was paid in cash and the petitioner

had also given a blank signed cheque to the complainant as security for the remaining amount. The remaining amount of Rs.1,53,000/- was also paid in cash to the complainant. When the petitioner asked for return of blank cheque given as security, the complainant took the plea that the same had been misplaced. Thereafter, the petitioner received a legal notice dated 25.11.2019 from the office of Mr. M.S. Kang, Advocate and the said notice was got issued by the complainant in respect of dishonouring of cheque No.000024 dated 04.11.2019 in a sum of Rs.17,50,000/-. The cheque in question was the same cheque which was given to the complainant as security. The complainant had mis-used the security cheque by filling the amount of Rs.17,50,000/- in order to commit fraud with the petitioner. The liability of the petitioner was only to the extent of Rs.18,03,000/- and by forging the cheque, the complainant intended to get total amount of Rs.34 lacs.

Learned State counsel on instructions from SI Pawan Kumar submits that the petitioner has joined the investigation, however, the amount is still to be recovered.

In view of contention raised by learned counsel for the petitioner, the liability of the petitioner to pay to the complainant would be debatable in view of the facts noticed hereinabove.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to confirm the order dated 13.01.2021.

In view of above, order dated 13.01.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

March 04, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No