IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 215) **CRM-M No. 2320 of 2021**

Date of decision : 06.04.2021

Vikram Sharma @ Vicky Sharma @ Bhupesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Siddharth Gupta, Advocate for the petitioner.
Mr. Randhir Singh Thind, DAG, Punjab.
Mr. Anureet Singh Sidhu, Advocate for the complainant.

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DEEPAK SIBAL, J. (*Oral*)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 0149 dated 11.10.2020 under Sections 420, 506, 120-B IPC registered at Police Station Arniwala, district Fazilka.

Briefly stated, the case of the prosecution is that in the year 2017 the petitioner and the complainant met in the election office of a political leader; the petitioner projected to the complainant that he had close links with senior political leaders/authorities; thereafter, when the complainant's mother was unwell, the petitioner used his authority to get her treatment from PGIMER, Chandigarh; after the complainant's mother had recovered, the petitioner told the complainant that he could procure mining licences for the complainant; taken in by the promises made by the petitioner, for procurement of mining licences, the complainant and his associate Sanjeev Kumar paid to the petitioner a total amount of Rs.25.25 lakhs, the details of which are given below : -

Sr. No.	***Amount in rupees***	***Details/Mode of payment***
1.	7,00,000/-	Paid to the petitioner in cash in June, 2018 by the complainant and said Sanjeev Kumar.
2.	1,25,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 30.06.2018 from the account of the complainant Lakhvir Singh.
3.	30,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 10.09.2018 from the account of the complainant Lakhvir Singh.
4.	3,00,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 18.09.2018 from the account of the complainant Lakhvir Singh.
5.	30,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 04.12.2018 from the account of the complainant Lakhvir Singh.
6.	1,00,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 17.12.2018 from the account of the complainant Lakhvir Singh.
7.	25,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 27.12.2018 from the account of the complainant Lakhvir Singh.

8.	80,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 01.08.2018 from the account of the complainant Lakhvir Singh.
9.	3,00,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 20.09.2018 from the account of the complainant Lakhvir Singh.
10.	1,00,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 13.11.2018 from the account of the complainant Lakhvir Singh.
11.	40,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 16.09.2019 from the account of the complainant Lakhvir Singh.
12.	25,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 10.01.2019 from the account of the complainant Lakhvir Singh.
13.	20,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 28.02.2019 from the account of the complainant Lakhvir Singh.
14.	50,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 21.09.2019 from the account of the complainant Lakhvir Singh.
15.	1,00,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 21.09.2019 from the account of the complainant Lakhvir Singh.
16.	50,000/-	Transferred to the bank account of Ishad Ibrahim (friend of the petitioner) with J&K Bank on 18.10.2019 from the account of the complainant Lakhvir Singh.
17.	5,00,000/-	Paid to the petitioner in cash on 10.05.2020 against cheque which was dishonoured on being presented in the bank.

18.	1,00,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 20.09.2018 from the account of the said Sanjeev Kumar.
19.	1,00,000/-	Transferred to the bank account No. 10262010006660 of the petitioner with Oriental Bank of Commerce on 04.01.2019 from the account of the said Sanjeev Kumar.

It is further the case of the prosecution that the petitioner also obtained from the complainant two blank signed stamp papers on the pretext that the same were required to be submitted for the procurement of the mining licences; no mining licences were procured by the petitioner and when the complainant sought return of his money, the petitioner threatened to use the aforesaid blank signed stamp papers to lodge cases of forgery against the complainant.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case at the behest of the complainant who is inimical towards him; in fact it is the petitioner who is a victim at the hands of the complainant as the petitioner had given an amount of Rs.92 lakhs to the complainant on the pretext that the complainant would procure for the petitioner a petrol pump; in this regard when the petitioner filed a complaint with the police, the complainant, as a counter blast, lodged the present FIR against the petitioner and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Learned State counsel as also learned counsel appearing for the complainant contended that :-

(i) the petitioner is a habitual offender as he is involved in the following seven criminal cases (including the present one) :-

1. FIR No.205 dated 18.11.2016 under Sections 420, 34 IPC, P.S. Civil Lines Bathinda,
2. FIR No.267 dated 05.12.2019 under Sections 420, 406,34 IPC P.S. Civil Lines Bathinda
3. FIR No.54 dated 15.08.2016 under Section 420 IPC P. S. Balianwal, district Bathinda
4. FIR No.109 dated 25.07.2020 under Section 420 IPC, P. S. Arniwala,
5. FIR No.05 dated 08.01.2021 under Sections 420, 120-B IPC, P. S. City Khanna,
6. FIR No.30 dated 21.03.2021 under Sections 420, 120-B IPC, P. S. Arniwala and
7. FIR No.0149 dated 11.10.2020 Under Sections 420, 506, 120-B IPC P. S. Arniwala (present one);

(ii) investigations conducted so far have revealed that the petitioner has fabricated blank stamp papers which he had got signed from the complainant on the pretext that such papers were required for procurement of mining licences and used them to build his defence before the police as also has appended them to the present petition as Annexure P-2;

(iii) there is no plausible explanation forthcoming from the petitioner as to why he accepted lakhs of rupees from the complainant and his associate Sanjeev Kumar;

(iv) the petitioner is absconding;

(v) in addition to the amounts received by the petitioner from the complainant and his associate Sanjeev Kumar, the documents forged by the petitioner are to be recovered from him and

(vi) the petitioner has committed the offence in question while on bail in other criminal cases and even during the pendency of the present petition has committed another offence which is the subject matter of FIR No.30 dated 21.03.2021 registered under Sections 420, 120-B IPC at Police Station Arniwala, district Fazilka.

The petitioner was/is involved in seven criminal cases in which he faces allegations of criminal breach of trust and fraud. While on bail in one or the other case, he is alleged to have repeated the offence(s) which were the subject matter of the FIR(s) lodged against him. Thus, on more than one occasion, he has misused the concession of bail granted to him by the Trial Court/this Court.

In the present case the petitioner faces serious allegations of fraud and criminal breach of trust. As per the FIR, after showing his political clout and getting treatment of complainant's mother in a prestigious institute of this country, the petitioner demanded and received over Rs.25 lakhs from the complainant and his associate, which include Rs. 15,75,000/- through bank transfers. Such amounts were received by the petitioner on the pretext of getting mining licences for the complainant and his associate by using his political links.

Preliminary investigation has further found that the petitioner has forged the signed blank stamp papers which he had taken from the complainant on the pretext that they were needed for applying for the grant of mining licences and then used the same to build up his defence not only before the police but also to secure anticipatory bail from the Trial Court/this Court.

In view of the above discussion; for recovery of the original documents allegedly forged by the petitioner; for questioning the petitioner with regard to the aforesaid documents and money allegedly received by him and for the reason that in the status report the State alleges that the petitioner is absconding, he is held not entitled to the grant of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

06.04.2021 **(DEEPAK SIBAL)**
sunil yadav **JUDGE**

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