

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2374-2021 (O&M)
Date of Decision:-25.8.2021

Rameshwar and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raj Kapoor Malik, Advocate for the petitioners.

Ms. Sheenu Sura, DAG, Haryana,
assisted by Inspector Dharamvir.

Mr. Aditya Sanghi, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.246 dated 14.12.2020 under Sections 406/420/506 IPC at Police Station Narwana District Jind.
2. At the time of issuance of notice of motion on 18.1.2021, the following order was passed :

“Learned counsel for the petitioner submits that a false FIR has been lodged against the petitioner at the instance of the complainant for the purpose of pressurizing him to return an amount of ₹17.50 lakhs which is stated to be due to be paid by the petitioner to the complainant.

Learned counsel for the petitioner has submitted that the fact that it is a case of commercial transaction amongst the parties as would be evident from the application dated 15.3.2016 (Annexure P-3) submitted by the complainant to the police, wherein he himself has stated that the petitioner had borrowed an amount of ₹17.50 lakhs from the applicant as they were having good relations amongst them but had subsequently refused to return the said amount.

Notice of motion for 6.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. The learned counsel for the petitioners has submitted that as contended by him on the last date of hearing, it is a case which *prima facie* is of a civil nature as there were monetary transactions between the parties and that the instant FIR has been lodged simply to pressurize the petitioners to enable the complainant to recover the amount, which is stated to be due.
4. Opposing the petition, the learned counsel for the complainant has vehemently argued that the bank account statements clearly show that some amount is due to be paid by the petitioners to the complainant and that infact the complainant has audio recording of the conversation between the complainant and the petitioners wherein he has clearly admitted the amount due to be paid by the petitioners and that the facts and circumstances would suggest that right from the very inception the petitioners intended to cheat

the complainant. On the other hand, the learned State counsel has informed that the petitioners have since joined investigation and that upon conducting enquiry into the matter, the State is contemplating to file a cancellation report which has already been prepared.

5. I have heard the learned counsel for the parties.
6. The case *prima facie* appears to be of a civil nature as even if the contentions made on behalf of learned counsel for the complainant are accepted, the same would reflect that some amount is due to be paid by the petitioners to the complainant. In any case, since the petitioners have already joined investigation and the State is contemplating to file a cancellation report, the custodial interrogation of the petitioners is not warranted.
7. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.1.2021 are hereby made absolute.

25.8.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No