

In virtual Court

CRM-M-20838-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20838-2021 (O&M)

Date of decision: 05.07.2021

Sumit Sonker

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vibhor Bansal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Sandeep Verma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0032 dated 23.03.2021 under Sections 406, 420 IPC, registered at Police Station Dhakoli, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Baljeet Singh, he met co-accused Radhika Sharma, who promised him to purchase a flat and offered him to invest the money with her company. Thereafter, she introduced him to Subhash Sharma as his senior and believing them, he had given huge amount to them on different

dates. When they failed to make up their promise, the complainant started asking for money and when the complainant had a verbal spat with them, then owner of the company i.e. Sumit Sonker (petitioner) intervened and while visiting Panchkula, he agreed to return Rs.30.00 lacs in presence of two witnesses. Upon this, the complainant asked the petitioner to give an affidavit and post-dated cheques. After some time, the petitioner came to Panchkula and handed over some documents acknowledging that he owe Rs.30.00 lacs towards the company, however, later on, they cheated him.

Learned counsel for the petitioner further submits that the petitioner was initially was not named in the FIR and only allegation against him that he gave in writing that he is liable to refund the investment made by the complainant and another victim, who has also registered FIR No.169 dated 03.05.2018, at Police Station Sector-9A, Gurugram under Sections 406, 420, 201 IPC read with Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, therefore, the petitioner is entitled to anticipatory bail.

In reply, learned State counsel, assisted by learned counsel for the complainant, has submitted that on an assurance given by co-accused Radhika Sharma and Subhash Sharma, the complainant had invested huge amount in the company of the petitioner i.e. Tychocoin. It is further submitted that the petitioner had given an undertaking and another agreement admitting his liability to pay Rs.30.00 lacs to the complainant, but later on, it was found to be a lie to cheat the complainant.

Learned State counsel, on the basis of affidavit of Deputy Superintendent of Police, Sub Division Zirakpur, District SAS Nagar (Mohali), has further submitted that investigation was conducted by senior police officers and after obtaining opinion of DA (Legal), FIR was registered. It is also submitted that in the aforesaid FIR No.169, the petitioner filed a petition i.e. CRM-M-31621-2020, praying for anticipatory bail, which was decided on 14.12.2020 by the Coordinate Bench of this Court, by observing as under: -

“...Having heard learned counsel for the petitioner and also the learned State counsel, this Court does not find any ground for grant of anticipatory bail.

However, since it has been contended that the matter has since been compromised amongst the parties which fact is also admitted by the learned counsel for the complainant, but there is no clarity as to whether all the affected persons have compromised the matter or not, the petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within a period of one week from today and moves an application for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously preferably within a period of 2 days from filing of such application while also considering the plea of the petitioner that the matter has been compromised.”

Learned State counsel, assisted by learned counsel for the complainant, has further submitted that even in the said case, a fake

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compromise was set up by the petitioner and despite a lapse of 07 months, he has not surrendered in compliance of the order dated 14.12.2020 and he is playing same tactics in the present case also.

After hearing learned counsel for the parties and considering the facts and circumstances of the case and also in view of the order dated 14.12.2020 passed in another FIR No.169, vide which anticipatory bail of the petitioner was dismissed and thereafter, the petitioner has never surrendered before the trial Court, I find no ground to grant him anticipatory bail.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

05.07.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No