

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

Sr. No.206

CRM-M-20453-2021

Date of decision: 11.11.2021

Harmesh Lal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Ms. Gunkirat Kaur, Asstt. A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.29 dated 02.04.2021, registered under Sections 406 and 420 IPC at Police Station Behram, District SBS Nagar.

The petitioner is being prosecuted for having defrauded the complainant to part with Rs.2,42,000/- on the pretext of sending her to England.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; in fact the petitioner had taken a loan from the complainant; to return the loan amount he had issued a cheque which, on presentation, was dishonoured; since within the prescribed period of limitation the complainant did not file any complaint under Section 138 of the Negotiable Instruments Act, 1881, she cooked up a false story which forms the basis of the FIR in question; since the present dispute is a

monetary one no custodial interrogation of the petitioner is necessary and that under the interim orders passed by this Court, the petitioner has already joined investigation.

In paragraph no.5 of the present petition, the petitioner has stated that he is not involved in any other criminal case whereas the State has filed a status report as per which the petitioner already stands convicted for an offence under Section 420 IPC and is facing trial in two other cases under Sections 406 and 420 IPC. The assertion made by the State in its status report has not been controverted. Thus, the petitioner has filed a false affidavit before this Court. He is also a habitual offender. Further, he has violated the terms of bail on more than two occasions.

In view of the above as also in the light of the seriousness of allegations in the present case of the petitioner having defrauded the complainant to part with an amount of Rs.2,42,000/- on the false pretext of sending her abroad, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

November 11, 2021

Jyoti 1

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No