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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.18451 of 2020 (O&M)

Date of decision: 29.01.2021

Vishal Handa

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Deepinder Brar, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.4 dated 16.01.2020 registered under Section 420 of Indian Penal Code, 1860 (in short 'IPC') at Police Station City Rampura, Bathinda, District Bathinda.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the complainant, it is stated that the petitioner and his wife have committed cheating and forgery to the tune of Rs.1,46,67,428/- by alluring the complainant with forged and fabricated agreements. It is further stated that the complainant is a partner of a business concern and is providing services for scanning and digitalization. The petitioner introduced him to be in the business of Information and Technology including software development, solutions and others technical services. The petitioner

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asked the complainant to deposit a security of Rs.5,00,000/- each for an agreement and Rs.20 lacs for S.I.P.F. Department working as the petitioner is having a contract for digitalization, scanning, etc., all government projects including District Courts and other government offices and on the pretext of providing them tenders of sub-letting, he allured the complainant to enter into an agreement for scanning and digitalization of judicial records in the Sessions Division of Sangrur and Fatehgarh Sahib. The agreements were entered and huge security amounts as detailed in the FIR, were paid through bank transactions. Later on, the complainant came to know that in fact, the petitioner has prepared forged and fabricated documents and to show that he has assigned the work of Sessions Courts at Sangrur and Fatehgarh Sahib, whereas, no such sanction has been granted by the competent authority in favour of the petitioner and he by playing fraud, has allured the complainant to part away his money.

Counsel for the petitioner has argued that in fact, it is a dispute arising out of an agreement between the petitioner and the complainant and the petitioner has also filed a suit whereas the complainant has filed some complaints under the Negotiable Instruments Act.

It is worth noticing that while issuing notice of motion, on 13.07.2020, interim anticipatory bail was granted on the pretext that the petitioner has given an undertaking that he will clear all the amount towards the complainant.

Counsel for the petitioner has further submitted that in fact it is a civil dispute, which has been given the colour of criminal

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litigation.

Counsel for the State assisted by counsel for the complainant has submitted that the very essence of the alleged agreement between the petitioner and the complainant are based on forged and fabricated documents as the petitioner by posing himself to be an authorized person, for conducting the digitalization of records in Sessions Division of Sangrur and Fatehgarh Sahib, has allured the complainant to enter into an agreement and pay huge amount in the shape of securities whereas the petitioner had no such authority or contract with the government and he has prepared the forged and fabricated documents, which the complainant believing to be correct had agreed to work for the petitioner.

Counsel for the complainant has additionally argued that though some payment has been made but huge amount of Rs.1.46 crores was taken by the petitioner through bank transactions in the shape of security and it is not a civil dispute as the amount was taken by alluring the complainant/victims by showing the fake and fictitious documents.

After hearing the counsel for the parties and in view of the serious allegations levelled against the petitioner, I find no ground to grant the concession of bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

29.01.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No