

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110)

CRM-M-24161 of 2021

Date of Decision: 28.06.2021

Mahender Sharma @ Sunder Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Amit Kohar, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana
Mr. Kunal Dawar, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.265, dated 29.09.2020, having been registered at Police Station New Colony, District Gurugram, alleging therein the commission of offences punishable under Sections 420, 467, 468, 471, and 120-B of the IPC.

Learned counsel for the petitioner first points to a report made by ASI Charan Singh of the Economic Offences Wing, Gurugram, dated 28.04.2021 (copy Annexure P-3), in which it is stated that the co-accused of the petitioner, i.e. Harpreet @ Happy, had recorded a confessional statement before the police that out of the Rs.24.5 lacs alleged to have been obtained from the complainant, the share of each co-accused would come to Rs.12.5 lacs.

He further submits that the petitioner has already paid Rs.10.5 lacs to the complainant, in support of which he points to Annexure P-4

which is shown to be a copy of a demand draft for an amount of Rs.2.5 lacs, drawn in favour of the complainant, Chander Kanta Arora, with him further submitting that the remaining Rs.8 lacs was paid in cash to the brother of the complainant.

Upon query to him as to whether there is any receipt for the said amount of Rs.8 lacs, he very fairly submits that there is no such receipt.

Mr. Dawar, learned counsel for the complainant, on the other hand, first having denied that the complainant has received any amount, however, thereafter on seeing the copy of the demand draft, submits that Rs.2.5 lacs may have been received by the complainant.

However, he further submits that in fact the entire amount of Rs.24.5 lacs was transferred to the petitioner himself and not to his co-accused.

Learned State counsel submits that as per his instructions received so far (though notice of motion has still not been issued in this petition), in fact there is another FIR of similar nature pending against the petitioner.

Learned counsel for the petitioner reiterates that the petitioner is willing to return the remaining amount of Rs.2 lacs as would fall to the share of the petitioner.

Having considered the matter, I do not find any ground to entertain this petition seeking anticipatory bail to the petitioner, in the aforesaid circumstances where the entire amount of Rs.24.5 is stated to have

been transferred to him, with the complainant in any case submitting that he has only received Rs.2.5 lacs, and the petitioner not willing to consider returning the remaining amount of Rs.22 lacs.

Consequently, this petition is dismissed.

28.06.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No