

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

**CRM-M-26496-2021 (O&M)  
DECIDED ON: 6<sup>th</sup> AUGUST, 2021**

**BHARAT SHARMA**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Chanakya Bhatt, Advocate for the complainant.

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**AVNEESH JHINGAN, J (ORAL)**

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

**CRM-23130-2021**

[2] This is an application for preponement of the main petition from 16<sup>th</sup> August, 2021 to an early date.

[3] Ms. Monika Jalota, DAG, Punjab and Mr. Chanakya Bhatt, Advocate for the complainant submits that they have no objection to the acceptance of the prayer of the applicant.

[4] The application is allowed. The date of hearing in the main petition is preponed from 16<sup>th</sup> August, 2021 to today.

[5] With the consent of parties the main petition is taken up today itself.

**Main petition**

[6] This is a petition seeking anticipatory bail in FIR No. 60, dated 11<sup>th</sup> May, 2021, under Sections 420 and 120-B IPC registered at Police Station Navi Baradari, District Jalandhar.

[7] The dispute in the FIR registered is with regard to the payment made for the purchase of property. As per the allegations, a sum of ₹10 lakh was deposited through RTGS in the account of the petitioner. The cheques for the refund of the amount were issued by Gurbachan Juneja but were dishonoured. A complaint under Section 138 of the Negotiable Instrument Act, 1881 is pending.

[8] Learned counsel for the petitioner submits that the dispute is civil in nature, however, to show the bona-fide the petitioner is ready to deposit a sum of ₹5 lakh with the trial Court.

[9] Learned State counsel submits that it is a case where the complainant lost his hard earned money and not got the possession of property.

[10] Learned counsel for the complainant opposes the prayer for grant of anticipatory bail. He submits that total transaction was of ₹27 lakh.

[11] Heard counsel for the parties at some length. Perused the pleadings.

[12] As per the allegations a sum of ₹10 lakh was transferred in the account of the petitioner. Sale deed was executed but possession of property

could not be handed over. No recovery is to be made from the petitioner. His custodial interrogation is not necessary. Moreover, an offer made by the petitioner to establish his bona-fide appears to be genuine.

[13] The petitioner is granted anticipatory bail subject to deposit a sum of ₹5 lakh within seven days from today with the trial Court. The said amount shall be subject to the outcome of the trial. The amount shall be kept in FDR in a nationalized bank. Petitioner shall also join the investigation within 15 days from today. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the investigating officer. He is directed to join investigation as and when called for. He shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

[14] The petition is allowed.

[15] In case of failure to deposit the above said amount within stipulated period or to join the investigation, the State as well as complainant would be at liberty to file an application for recalling of this order

**6<sup>th</sup> AUGUST, 2021**

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**(AVNEESH JHINGAN)  
JUDGE**

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*