

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

CRM-M-30592-2021

Date of Decision: 05.10.2021

Rajwant Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Monty Goyal, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Mahipal Singh, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conferencing.

By this petition, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.119, dated 08.07.2021, having been registered at Police Station Sadar, Hoshiarpur, alleging therein the commission of offences punishable under the provisions of Sections 420 of the IPC and 13 of the Punjab Travel Professionals (Regulation) Act, 2014.

The reply filed by the DSP, Sub Division City, District Hoshiarpur, is ordered to be taken on record.

A perusal thereof shows that the petitioners deposited a cheque for an amount of Rs.25 lakhs, on 04.01.2020, drawn on the Bank of India, Branch Zira, which however was dishonoured due to insufficient funds, with

another cheque for an amount of Rs.5 lakhs also stated to have dishonoured.

As regards the payments made by the complainant to the petitioners, the details thereof have been given in paragraph 1 itself of affidavit.

Learned counsel for the petitioners submits that, firstly, the petitioners had taken a loan from the complainant, and towards discharge of that loan, they had issued the cheque for Rs.25 lakhs, and it was not on account of any money taken by them for sending any person abroad.

He further submits that if that was not the case, there would be no reason for the complainant to pay the petitioners a sum of Rs.35 lakhs on 04.01.2020 itself, i.e. the date on which the cheques allegedly issued by the petitioners were dishonoured.

Counsel for the complainant however points to the fact that obviously what is stated by the DSP as regards that date is erroneous, because even as per the communication from the HDFC Bank dated 04.03.2020, (Annexure R-1 with the reply of the DSP), the cheque drawn on the Bank of India for an amount of Rs.25 lakhs was dishonoured on 04.03.2020.

Looking at the above fact, with there being no document whatsoever placed on record, or shown to this court even today, as regards any loan taken by the petitioners from the complainant or his family, I find no reason to entertain this petition, which is consequently dismissed, with the interim order vacated.

Naturally, all observations made in any order passed in this petition are only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C.; and the investigation and thereafter the trial (if it comes to that stage), would continue wholly on the basis of evidence gathered/led.

October 05, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No