

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

101

CRM-M-31618 of 2021

Date of decision:9.8.2021

Wazir

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Raman Chawla, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.320, dated 3.7.2020, having been registered at Police Station Azad Nagar, Hisar, alleging therein the commission of offences punishable under Sections 406/420/120-B of the IPC.

Learned counsel for the petitioner submits that the petitioner has only been roped in because he is the person who has actually sold the property to the mother of the complainant and in fact since some money was due from the petitioner to the complainant/his mother, he has been falsely named in the FIR.

Having considered the matter, looking at the fact that the allegation, against the petitioner at least, is that he even returned Rs.2.00 lakhs to the complainant when he went to him after being informed by the finance company that he had not paid the instalment (thereby, prima facie,

admitting his involvement), I would see no reason, *prima facie* at least, to accept that the petitioner (along with others) was not in collusion to try and dupe the complainant.

Consequently, as regards this petition seeking anticipatory bail, I see no reason to entertain it, which is consequently dismissed.

However, obviously nothing stated hereinabove will be taken to be an observation by this court on the merits of the case, which would proceed wholly on the basis of evidence gathered/led, all observations having been made only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C.

It is to be also noticed that learned counsel has vehemently argued that the loan amount was admittedly transferred to the account of the complainant, after which even if there was any misuse of cheque (as alleged), it was by one Sukram Pal, to whose account the money was transferred and not to the petitioner.

Even having considered the aforesaid argument, looking at the fact that the petitioner is the one who has been named specifically by the complainant, as some one who has returned Rs.2.00 lakhs to him and then promised to return the remaining amount, I would see no reason for his false implication (at least for the purpose of this petition), by the complainant.

9.8.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No