

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

CRM-M No.40649 of 2021

Date of decision : September 29, 2021

Ishandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sangram Singh Saron, Advocate for the petitioner.

Mr. Sandeep Singh Deol, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed seeking concession of anticipatory bail in FIR No.231, dated 09.09.2021, registered under Sections 420, 406 and 120-B IPC, at Police Station Maqboolpura, District Amritsar.

Learned counsel for the petitioner argues that in the present case, petitioner has wrongly been involved by the complainant and the present controversy relates to the offence punishable under the Negotiable Instruments Act, 1881, rather than the offences punishable under the provisions of the Indian Penal Code, 1860. Learned counsel submits that the cheques, which were presented to the complainant by the petitioner were only with regard to discharge of certain loan liabilities, which liability actually has already been discharged but the cheques in question were not returned by the complainant and are being misused now. Learned counsel further submits that the story which has been concocted by the complainant

that the cheques were issued in respect of the purchase of the gold items, is totally incorrect and false. Learned counsel further submits that petitioner is ready to join the investigation and cooperate and therefore, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of the State-respondent.

Learned State counsel on the other hand submits that in the present case, issuance of the cheques is not under dispute. Learned counsel further submits that the bills of the items, sold by the complainant to the petitioner, are already on record and the co-accused of the petitioner, namely, Anujit Singh Walia, who has already been arrested, has stated in his disclosure statement that the gold items are within the possession of the petitioner and therefore, the custodial interrogation of the petitioner is necessary to recover the said gold items, which were purchased by them and the payment of which was effected by giving the cheques to the complainant, which ultimately bounced, hence petitioner has played a fraud upon the complainant.

I have heard learned counsel for the parties and have also carefully gone through the record with their able assistance.

In the present case, the issuance of the cheques is not disputed. Nothing has come on record to show how the liabilities of the said cheques have been discharged by the petitioner already, though a bald statement has been made that the liabilities of the cheques had already been discharged by

the petitioner. Further, the co-accused, who is the father of the petitioner, has admitted to the purchase of gold items in his disclosure statement and the gold items are to be stated in possession of the petitioner.

In the facts and circumstances of the present case, once valuable items are to be recovered, the prayer of the petitioner for grant of anticipatory bail, cannot be accepted.

Further, this is not a case, where allowing the petitioners to join the investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in “*State represented by the C.B.I. Vs. Anil Sharma*”, 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

No ground is made out to grant the benefit of anticipatory bail to the petitioners.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

September 29, 2021

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

Yes