

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7-2021 (O&M)
Date of Decision:- 22.2.2021

Palwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manjit Saini, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 127, dated 30.9.2020, Police Station Zira, District Ferozepur, under Sections 420, 120-B IPC.
2. The FIR was lodged at the instance of Mahanta Singh wherein it is alleged that the petitioner had taken an amount of ₹8 lakhs on the pretext of sending his nephew abroad but despite a written agreement having been executed, the petitioner was never sent abroad. It is further alleged that when the complainant and nephew demanded his money back, initially the accused flatly refused to return the amount but subsequently a cheque was issued i.e. cheque bearing No. 169611 dated 2.3.2020 which upon its presentation was dishonoured.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that no agreement as alleged was ever executed. It has further been submitted that a separate complaint under Section 138 of Negotiable Instruments Act has already been instituted by the complainant and in these circumstances the filing of the present case is misuse of process of law and is in fact a case of double jeopardy.
4. Opposing the petition, the learned State counsel has submitted that the very fact that a cheque for an amount of ₹8 lakhs was issued would itself substantiate the allegations levelled in the FIR. Learned State counsel has further informed that the petitioner is habitual of committing such like offences and stands involved in two other FIRs registered against him under Section 420 IPC.
5. I have considered rival submissions addressed before this Court.
6. In view of the facts and circumstances and while noticing that the petitioner had himself issued a cheque for ₹8 lakhs and also stands involved in two other cases, this Court does not find any special case for grant of anticipatory bail to the petitioner.
7. The petition is sans any merit and is hereby dismissed.

February 22, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No