

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

211

CRM-M-289-2022 (O&M)

Date of decision: 09.11.2022

RAMAN GUPTA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Pardeep Virk, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No. 379 dated 26.11.2021 registered under Sections 406 and 420 IPC, at Police Station Civil Lines, District Patiala.

Status report by way of an affidavit dated 07.11.2022 of the Deputy Superintendent of Police. City-I, Patiala, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the complainant alleges that he is running a Private Hospital in the name and style of Modi Nursing Home; that though, the petitioner had cordial relations with the complainant and his father and had business transactions, at an initial stage, yet a dispute with regard to the money transactions arose amongst them; that the petitioner has not cheated the complainant and rather it was the

complainant, who had approached the petitioner to purchase a showroom in the Government auction and that the parties had a common Chartered Accountant, who issued a certificate dated 25.12.2021, indicating that as on 31.03.2020, an amount of Rs. 30,50,000/- was due towards the petitioner. He further submits that the petitioner had returned a sum of Rs.75,00,000/- to the complainant, which is not disputed by the complainant and that if the accounts of the parties are reconciled, an amount of Rs.44,50,000/- is due towards the complainant. Still further, it is submitted that a purely civil dispute has been given a cloak of criminal proceedings and by doing so, the concerned police officials are trying to act as recovery agents, which is untenable in the eyes of law.

Learned counsel for the petitioner submits that no offence under Sections 406 and 420 IPC are made out and that there is nothing on record to show that the petitioner has misappropriated the amount, as alleged by the complainant.

On the other hand, while opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel and learned counsel for the complainant submit that from the very beginning, the petitioner was having an intention to dupe the complainant of huge amount and that till date the petitioner has not returned the amount of Rs.39,00,000/- to the complainant. They further submit that copy of the sale agreement/sale deed pertaining to the property in dispute and the blank cheques of the complainant are yet to be recovered from the petitioner.

Be that as it may, perusal of the file would show that vide order dated 07.01.2022 passed by this Court, *ad interim* anticipatory bail was granted to the petitioner.

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel, on instructions from the concerned Investigating Officer, submits that the petitioner has joined the investigation and is not required for any further investigation.

Learned counsel for the complainant does not dispute the fact that the petitioner has joined the investigation.

I have heard the learned counsel for the parties.

Admittedly, there were business transactions between the parties and the accounts were duly reconciled by the Chartered Accountant, though still there is a dispute regarding some amount between them.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 07.01.2022 granting *ad interim* anticipatory bail to the petitioner is made absolute, subject to the conditions envisaged in Section 438(2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

09.11.2022

Aman Jain

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No