

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

CRM-M-4635-2022 (O&M)

Date of decision: 22.08.2022

Sanjeev Kumar Ahuja

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG Punjab.

Mr. G.S. Kaura, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.10 dated 14.01.2022, registered at Police Station Civil Lines Bathinda, District Bathinda, under Section 420 IPC.

Learned counsel for the petitioner submits that the present FIR has been lodged for the purpose of extracting money; that the husband of the complainant had invested Rs.11 lakh in the company of the petitioner; that as per the contents of the petition, the petitioner has admitted the transaction(s) between him on one hand and the complainant and her husband on the other, and that owing to Covid-19, the petitioner has suffered a loss in business and he has tried his best to arrange the amount, but to no avail and that the petitioner was having no intention to cheat the complainant and that the

dispute is of a civil nature and initiation of criminal proceedings is misuse of the process of law. It is also admitted that the cheques issued by him got bounced. All the complaints filed against the petitioner are false. In support of his case, he relies upon Vesa Holdings P. Ltd. and Anr. Vs. State of Kerala and Ors., 2015 (2) RCR (Criminal) 442.

Learned State counsel and learned counsel for the complainant, while opposing the prayer of the petitioner, submit that the petitioner and the complainant are the neighbourer and on the asking of the petitioner and his mother, the complainant had invested Rs.11 lakh in the company of the petitioner; that the complainant had arranged the said amount by selling her two plots and that the cheques issued by the petitioner to the complainant in lieu of repayment of the amount, also got bounced.

I have heard the learned counsel for the parties and have also gone through the paper-book.

Perusal of the facts on record would reveal that on 02.12.2019, the complainant invested Rs.5 lakh in the finance company of the petitioner @ 2% interest as per the settlement, after selling her two plots and thereafter, the complainant again invested Rs.6 lakh in the company, but the petitioner, who is running a finance company, has not return the money as promised and thus, the petitioner does not deny the investment of the amount of Rs. 11 lakh by the complainant. Having received the amount and there being no justification for the dishonour of the cheques issued for repayment of the said amount, it cannot be said that there was no intention on the part of the petitioner to cause a wrongful loss to the complainant.

The Hon'ble Apex Court in case of CBI Vs. Anil Sharma, reported in 1994(4) RCR (Criminal) 268 has held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect, who is well ensconced with a favourable order under section 438 of the Code. In a case like, this, effective interrogation of suspected persons is of tremendous advantage in disinterring many useful informations of and also material, which would have been concealed Success in such interrogations, would elude if the suspected persons knows that he is well protected and insulated by a pre-arrest bail order during the time, he is interrogated. Very often, interrogation in such a condition, would be reduced to a mere ritual.”

Considering the very nature of the allegations contained in the FIR, the custodial interrogation of the petitioner is necessary. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

22.08.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No