

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9112-2022

Date of decision: March 16, 2022

Chetan Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Onkar Rai, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Deepender Singh, Advocate for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.321 dated 28.11.2021 under Section 420 IPC and Sections 4 and 76 of the Chit Fund Act, 1982, registered at Police Station Sarai Khawaja Faridabad, District Faridabad.

Counsel for the petitioner submits that the FIR has been registered at the instance of Brij Mohan with the allegations that one Babita, who is known to him, had introduced him with her brother-petitioner Chetan. The petitioner allured him for depositing the amount in installments and in return he will give a higher rate of interest annually along with profit. The complainant believing him to be a genuine person, started paying Rs.40,000/- to Rs. 50,000/- per month and for some time, they returned the amount with interest but later on, when the complainant had paid all the installments, the petitioner started avoiding him and even refused to take his phone calls. The complainant when asked Babita for return of his money of Rs.13,50,000/-, he stated that Chetan has refused to return the money.

Counsel for the petitioner submits that the allegations against the petitioner are vague and no offence under Section 4 of the Chit Fund Act, 1982 is made out. Counsel for the petitioner has further submitted

that the petitioner has not disclosed his income and, therefore, the allegations of giving installments are doubtful.

Learned State counsel, assisted by the counsel for the complainant, has submitted that after registration of the FIR, notice under Section 41-A Cr.P.C. was given to the petitioner to join the investigation but he did not join.

Counsel for the complainant has placed on record the Whatsapp communication of the petitioner with the complainant from April, 2019 onwards in which the petitioner has been demanding the installments of the committee as well as interacting with the complainant that the bid for the committee is given on the price as shown in the Whatsapp communication. The counsel, thus, submitted that the complainant has been regularly paying the installments and committee. Now the petitioner does not want to pay back the money and thus, committed the offence of cheating with the complainant.

After hearing learned counsel for the parties and looking into serious allegations against the petitioner, which is supported by his own admission by way of Whatsapp communication that he has been receiving the installments of the committee from the complainant and, later on, when the complainant demanded his money back, the petitioner has refused and in this manner he has allured the complainant to part away his money with an intention to cheat..

No ground for grant of anticipatory bail to the petitioner is made out. The petition is, therefore, dismissed.

March 16, 2022
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : YES /NO

Whether reportable : YES/NO