

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

CRM-M-14034-2021

Date of decision-11.03.2022

Anoop

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.
Mr. S.S.Sahu, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.0002 dated 02.01.2021 under Sections 406, 420 and 120-B Indian Penal Code, 1860 registered at Police Station Camp Palwal, District Palwal, who apprehends his arrest at the hands of Police.

On 05.01.2022, this Court had passed the following order:-

“Learned counsel for the petitioner has invited the attention of the Court to the order dated 25.03.2021 and submitted that since the parties are closely related as complainant is maternal uncle of the petitioner, an attempt was made before Mediation and Conciliation Centre of this Court to settle the dispute amicably. He submits that the said effort failed and the matter has been sent back to the High Court.

Learned counsel for the petitioner has argued that as per allegations in the FIR, complainant had suffered a wrongful loss of Rs.22 lacs which was paid on 26.09.2014 in cash to petitioner to facilitate a bank loan of Rs.9 crores in favour of complainant. Learned counsel has argued that in fact, the complainant had issued cheques to discharge his liability of Rs.60 lacs received by him from the petitioner while executing the agreement to sell dated 07.08.2014 and since the said transaction for sale of immovable property did not materialise, the

earnest money paid by the petitioner was returned through the cheque, which dishonoured and complaint under Section 138 Negotiable Instruments Act, 1881 against complainant is pending. He submits that the entire dispute between the parties is based upon the documentary material, therefore, the custodial interrogation of the petitioner may not be necessary.

Mr. S.S. Sahu, learned counsel appearing on behalf of the complainant has opposed the prayer and argued that the petitioner had caused wrongful loss to the complainant, as he had induced him to make a payment of Rs.54 lacs i.e. 6% of the loan amount of Rs.9 crores in order to facilitate the sanctioning of loan and against that Rs.22 lacs was paid in cash in September, 2014. He submits that as the petitioner had assured to arrange the rest of the amount, therefore, the complainant had issued blank cheques in favour of the petitioner, which were later, misused by him.

During the course of hearing, it is not disputed by learned counsel for the parties that no civil litigation is pending between the parties.

Adjourned to 11.03.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. “

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by Inspector Ramesh states that indeed the petitioner has joined the investigation but his custodial interrogation is necessary to recover the cheques belonging to the account of the complainant, which were fraudulently taken away by the petitioner/accused.

At this stage, Mr.Keshav Pratap Singh, learned counsel has

pointed that those cheques are already subject matter of criminal complaint filed by petitioner against the complainant and are pending before the Court of competent jurisdiction.

Considering above background and nature of the dispute, the custodial interrogation of the petitioner does not appear to be necessary.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 05.01.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

11.03.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No