

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

**CRM-M No.19937 of 2022 (O&M)
Date of Decision: 02nd September, 2022**

Himanshu Gopal

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vivek Saini, Advocate,
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Mr. Birinder Pal, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.(ORAL)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.6 dated 18.01.2022 registered at Police Station Mataur SAS Nagar, under Sections 406, 420, 34 IPC, the petitioner has preferred this petition for seeking the relief of pre-arrest bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by informant-Veer Partap Singh in the subject FIR, are that one Mehtab Singh introduced him to the petitioner and his father, i.e his co-accused, who promised to send him (informant) abroad (America) on the payment of total amount of Rs.22 lac to them (accused) and the informant paid a sum of Rs.12 lac to them but they did not fulfil their promise and when the informant asked them for the refund of his money, they paid a sum of Rs.02 lac to him in cash and also gave him the cheque

worth Rs.10 lac but when presented in the Bank, it was dishonoured and thus, the petitioner and his co-accused had duped him of the said amount.

3. Short reply has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police (City-I) District S.A.S. Nagar, Mohali.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the offences under Sections 406 and 420 IPC are not made out against the petitioner and in fact, he was running the business in partnership with one Raju Dhillon and had handed over some cheques to him but his said business partner had misused those cheques and had handed over the cheque in question to the informant who happens to be his friend and thus, the petitioner has been falsely roped in as an accused in this case and moreover, his co-accused, i.e his father, has already been extended the relief of interim bail by the Co-ordinate Bench and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

6. Per-contra, learned State counsel argues that the petitioner is involved in two more criminal cases besides the instant case, as mentioned in Para No.11 of the status-report and moreover, he did not join in the investigation despite the issuance of notices to him under Section 41(1) Cr.P.C and it being so, this petition be dismissed.

7. The factum as to whether the offences, as invoked in the

present case, are made out against the petitioner or not, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be ascertained at the stage of deciding this bail petition.

8. As regards the alleged misuse of the cheque given by the petitioner to his above-named business partner, again this fact would be the subject matter for consideration and determination by the trial Court at the relevant stage in the light of the evidence that would be adduced on the file during the trial proceedings and the same cannot be decided at this stage.

9. So far as the factum of the grant of the relief to the co-accused of the present petitioner, i.e his father, by the Co-ordinate Bench vide the order Annexure P-4 passed in CRM-M No.14858 of 2022 on 08.04.2022 is concerned, a perusal of this order reveals that he (co-accused) has been extended the interim relief only therein.

10. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

02.09.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No