

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

**CRM-M-24624-2022
DECIDED ON: 08.06.2022**

VIVEK KUMAR GAUTAM

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parikshit Sharma, Advocate and
Mr. Nishant Nain and Mr. Amit Thakur, Advocates
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The instant petition under Section 439 Cr.P.C has been filed seeking regular bail in case FIR No. 107, dated 27.02.2021, under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Jind City.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact the petitioner is a victim of a criminal conspiracy hatched by the complainant, who is serving as Head Constable.

Notice of motion.

On the asking of the Court, Mr. Amit Aggarwal, DAG, Haryana accepts notice on behalf of respondent-state. He, on instructions from ASI Vajir Singh, submits that the co-accused Surender Dhillon induced the complainant that he can provide him loan of Rs.1.20 lacs and for this

purpose he demanded Rs.1,20,000/- as stamp duty in advance and Rs.25000/- for opening a new bank account in the City Bank. On 10.08.2019, the complainant handed over the property documents and other ID proofs to Surender Dhillon and thereafter on 21.09.2019, the complainant paid Rs.70,000/- through Phone-Pay to the brother of Surender Dhillon. On 22.08.2019, Rs.12,000 was transferred from the bank account bearing No. 30205873323 of the complainant whereas an amount of Rs.63,000/- was paid in cash to Surender Dhillon. Thereafter, the complainant was asked to pay Rs.1 lakh to the petitioner, which he gave to Surender Dhillon. Thereafter, a cheque of Rs.3 lacs was also given to the petitioner pertaining to complainant's account i.e. A/c No.50100212718343 of HDFC Bank, Uchana, and the same was got encashed by him from HDFC Bank Pitampura, New Delhi.

In view of the submissions recorded hereinabove, a *prima facie* case of cheating is made out against the petitioner and the allegations against the petitioner are also serious in nature, therefore, he is not found entitled for the concession of regular bail.

In view of the discussions made above, I do not find any merit in the present petition and the same is dismissed.

(SANDEEP MOUDGIL)
JUDGE

08.06.2022
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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*