

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.34425 of 2020 (O&M)

Date of Decision: 13.09.2022

Raghu Verma

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab
for the respondent-State.

Mr. Shekhar Verma, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J. (Oral)

Apprehending his arrest in the criminal case arisen out of the
FIR bearing No.235 dated 12.10.2020 registered at Police Station Dhariwal
District Gurdaspur, under Section 420 IPC, the petitioner has moved this
petition for seeking the relief of pre-arrest/anticipatory bail.

2. Bereft of unnecessary details, the allegations, as levelled
against the petitioner in the present case, are that he and informant Gaurav
Aggarwal were known to each other and the petitioner borrowed an amount
of Rs.31 lac from the informant, while telling him that he was in dire need
of the funds and he (petitioner) gave some post-dated cheques to the father

of the informant in lieu thereof. However, when presented in the concerned Bank, one of the said cheques worth Rs.02 lac, was dishonoured on the ground that the relevant account had been blocked and then, the informant came to know that the petitioner had intentionally mentioned the wrong bank account number on the said cheque.

3. It is worth-while to mention here that vide the order dated 29.10.2020 passed by the Co-ordinate Bench, the petitioner was extended the relief of interim bail with the direction that he would appear before the Investigating/Arresting Officer and would join the investigation. It has categorically been mentioned in the order dated 21.01.2021 that learned State counsel had informed the Court on that day that though the petitioner had joined in the investigation but he did not co-operate the Investigating Agency and then, learned counsel for the petitioner had sought an adjournment to seek instructions from the petitioner as to whether he could make payment of some amount to the informant. Today, on the instructions from ASI Naresh Kumar from the above-said Police Station, learned State counsel apprises the Court that though the petitioner had joined in the investigation but he did not co-operate in the same.

4. Faced with this situation, learned counsel for the petitioner submit that they would prefer to address the arguments on merits.

5. Status-report submitted on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Rural, District Gurdaspur, is already available on the file and the same is taken on the record.

6. 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.

7. Learned counsel for the petitioner contend that the mere fact that the recovery of the above-said amount has to be effected from the petitioner, does not suffice at all to be a cogent ground to decline the relief of anticipatory bail to him and therefore, he (petitioner) deserves the relief as prayed for in the instant petition.

8. Per-contra, learned State counsel argues that the petitioner has duped the informant of the huge amount of Rs.31 lac and had intentionally issued the cheque from the blocked bank account while mentioning the incorrect account number thereon and keeping in view the nature of the offence committed by the petitioner, this petition be dismissed.

9. There are specific allegations against the petitioner regarding his having obtained the amount of Rs.31 lac from the informant on the pretext that he (petitioner) urgently required the same and that one of the post-dated cheques, as allegedly given by the petitioner in lieu thereof, was presented in the concerned Bank but it was dishonoured with the remarks that the account had been blocked and then, the informant also came to know that the wrong bank account number had been mentioned on the same. At this stage, the petitioner has not been able to place any cogent material on the file to show that he had any concern with the bank account number mentioned on the said cheque, as allegedly issued by him under his own signatures.

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/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

11. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

13.09.2022
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(MEENAKSHI I. MEHTA)
JUDGE

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