

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

(Sr. No. 207)

**CRM-M No.41171 of 2020 (O&M)
Date of decision : 19.01.2022**

Amarbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Harlove Singh Rajput, Advocate for
Mr. Suvir Sidhu, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Amrinderjit Singh Sandhu, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 226 dated 18.11.2020 registered under Sections 420/34 IPC at Police Station City Gurdaspur, district Gurdaspur.

Briefly stated, the case of the prosecution is that the petitioner, whose son is married to the complainant's sister, had lured the complainant to part with Rs.17 lakhs which the complainant had borrowed from a financier; such amount was to enable the petitioner's son and his wife (complainant's sister) to immigrate to New Zealand; the petitioner and his son had promised to repay the amount but after the petitioner's son and his wife (complainant's sister) immigrated to New Zealand, the petitioner and his son backed out of their promise and in fact, two cheques were issued by

the petitioner to repay the afore amount which on presentation were dishonoured.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on account of strained relations of the petitioner and his son on one side and the complainant on the other; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the dispute between the parties is purely civil in nature as at the best, a case for recovery of the loan amount is made out against the petitioner and his son; even if the case of the prosecution is accepted, though denied, the disputed amount was given by the complainant for his sister and his brother-in-law; the petitioner is not involved in any other criminal case; the investigation in the case is complete and that under the interim order passed by this Court, the petitioner has joined and cooperated with the investigation.

Learned State counsel acknowledges the fact that the petitioner does not face any other criminal case; under the interim order of this Court he has joined the investigation and that since investigation in the case is complete, custodial interrogation of the petitioner is not required.

Learned counsel for the complainant opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner and his son had defrauded the complainant for a huge amount of Rs.17 lakhs and that the petitioner's fraudulent intent is further revealed from the fact that when he gave cheques to the complainant for a cumulative amount of Rs.17 lakhs, these cheques, on presentation, were dishonoured.

After considering the afore facts in their entirety and

particularly that under the interim order of this Court the petitioner has joined and cooperated with the investigation, which is complete, custodial interrogation of the petitioner is not considered necessary. Resultantly, the interim order of this Court dated 15.01.2021 granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

Disposed of.

19.01.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No