

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

**CRM-M No.52264 of 2021
Date of Decision: 07.03.2022**

Vivek Kumar Gautam

.....Petitioner.

Versus

State of Haryana

.....Respondent.

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

Present:- Mr. A.P.S. Bhinder, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.107 dated 27.02.2021 registered at Police Station Jind City, District Jind, under Sections 406 and 420 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled by complainant Anup Singh in the present case, are that he was in need of funds and wanted to raise a loan for this purpose. He met accused Surender Singh Dhillon who introduced the petitioner to him (complainant) as the Manager of City Bank, New Delhi, while saying that he would get the loan sanctioned in his favour. The petitioner and his said co-accused took a total amount of Rs.40 lacs from him on the above-said pretext but they did not get the loan sanctioned in his favour. Later-on, he came to know that the

petitioner was not employed in the said Bank and when he asked him (petitioner) and his co-accused to refund his money, they threatened him with dire consequences.

Status-report on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, City Jind and Annexures R-1 and R-2 have been filed and these documents are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner refers to Annexure P-4, the copy of the PAN Card of the complainant and he points out that the complainant has given a note thereon that he had raised the loan from the petitioner and he had been repaying the same to him through the bank transactions and he contends that in fact, the complainant had taken the loan from the petitioner and had repaid the same and the petitioner never mis-represented any fact to the complainant nor received any amount from him with intention to cheat him and in these circumstances, he (petitioner) deserves the relief as prayed for in the present petition.

Per contra, learned State counsel argues that the petitioner and his afore-named co-accused had taken the total amount of Rs.40 lacs from the complainant on different occasions while falsely assuring him to get the loan sanctioned in his favour and keeping in view the gravity of the offence as committed by the petitioner, this petition be dismissed.

As regards Annexure P-4, a bare perusal of the same reveals

that it is the copy of the PAN Card of the complainant and a note is shown to have been appended thereon qua the fact that the complainant had raised the loan from the petitioner and had been repaying the same. However, the above-said document does not suffice at all, at this stage, to substantiate the afore-said version/plea of the petitioner specially in view of the facts that it has categorically been mentioned in Para No.5 in the Status-Report that the Manager, City Bank, Punjabi Bagh, Delhi, informed through *e-mail* that the numbers of the bank accounts opened in the name of the complainant by the petitioner, were not the valid ones and it has also been mentioned in Para No.7 therein that a total sum of Rs.21 lacs had been received in the bank account of the petitioner from the complainant. In these circumstances, the possibility of the requirement of the custodial interrogation of the petitioner for the purposes of eliciting the truth qua the alleged crime so as to bring the investigation in the case to a logical end, cannot be ruled out.

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.

(MEENAKSHI I. MEHTA)
JUDGE

March 07, 2022
Yag Dutt

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*