

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

**CRM-M-41389-2019 (O&M)
Date of decision: 11.05.2022**

Irfan Khan @ Mohd. Irfan

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mahir Sood, Advocate for the petitioner.

Mr. J.S. Toor, Addl. PP, UT Chandigarh.

Mr. Keshav Pratap Singh, Advocate for the complainant.

HARNARESH SINGH GILL, J.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 229 dated 28.08.2019, registered under Sections 420 IPC, at Police Station Sector-31, Chandigarh.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, as the petitioner has nothing to do with the alleged crime; that in the present case, the main accused is Vijender Kumar, who gave a proposal to the complainant to become a partner in his petrol pump and for that purpose he had demanded Rs. 2.5 crore from the complainant and that the complainant arranged the amount of Rs. 2.5 crore from his savings and personal links and gave it to the main accused and started managing the work and accounts of the petrol pump.

He further submits that the allegation against the petitioner is

that he in connivance with the main accused has cheated the complainant by asking him to invest in a chit fund committee by alluring the complainant that he (complainant) would earn a huge profit and there is no specific allegation against the petitioner, except inducing the complainant to invest in a chit fund committee. The challan has been presented.

Learned State counsel assisted by the learned counsel for the complainant submits that the petitioner along with the main co-accused has committed a fraud upon the complainant; that the petitioner induced the complainant to invest in a chit fund committee and on the pretext of investment in the committee, the petitioner along with main accused had taken an amount of Rs. 27 lakhs from the complainant, which has not been returned to the complainant till date; that to gain the trust of the complainant, the petitioner sent picture(s) of forged RTGS receipt and cheques duly signed by the petitioner with date as 11.12.2017, to the complainant, falsely indicating that an amount of Rs. 67 lakh was being transferred in the account of the complainant, but no amount was ever transferred or credited to the complainant's account; that there is a close complicity between the main accused and the petitioner; that the petitioner in connivance with the main accused, had also taken loans from the SBI Branch, Peer Muchalla, Zirakpur, in the name of firms i.e. (i) Dollar Trading Company, (ii) Shiva Sales Corporation and (iii) A.K. Electronics, by showing himself as Proprietor and the main accused had stood guarantor against the said loan; that, however, after closing the said Companies, the petitioner as also the main accused have failed to repay the loan and that the Manager of the Bank, sent a representation to the Senior Superintendent of Police, Sector-76, Mohali as

well as SHO, against the borrower (petitioner) and guarantor (Vijender Kumar-main accused). They further point out that earlier also, the petitioner was released on interim bail for the purpose of mediation, but as per the report dated 17.01.2022, the mediation remained unsuccessful.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner in connivance with the main accused has committed a fraud by inducing the complainant for the investment in the chit fund committee and also played fraud upon SBI Branch, Peer Muchalla, Zirakpur, while availing the loans by tendering fake documents. The petitioner as also the guarantor have failed to repay the loan amount. The allegations against the petitioner are very serious and grave. Therefore, the custodial interrogation of the petitioner is required and thus, he is not entitled to the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

11.05.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No