

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

CRM-M-50912-2019 (O&M)
Date of decision: 11.05.2022

Sant Chaturbedi

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arpandee Narula, 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 439 Cr.P.C., the petitioner seeks regular 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 has already issued six cheques, for Rs. 50 lakh each in favour of the complainant, that the petitioner is merely an employee of the main accused and not a beneficiary in any manner; that the petitioner has been in custody since 15.10.2019 and that challan has already been presented.

Learned State counsel assisted by the learned counsel for the

complainant submits that the petitioner was working a Cashier-cum-Manager in the petrol pump owned by the main accused; that the petitioner along with other co-accused has committed a fraud upon the complainant and that as a matter of fact, the petitioner was a mediator between the complainant and the main accused. It is further submitted that the petitioner in connivance with the main accused, had also taken three loans from the SBI Branch, Peer Muchalla, Zirakpur, in the name of three firms i.e. (i) Sabhayata Trading Company, (ii) Dollar Sales Company and (iii) Shivalik Trading Company, by showing himself as proprietor and the main accused stood a guarantor of the petitioner and that after closing the companies, the petitioner has not repaid the loans, qua which the Manager of the Bank has 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 14.02.2020, 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 upon the complainant and has also taken loans from the SBI Branch, Peer Muchalla, Zirakpur, in the names of three different fake companies by tendering fake documents, wherein the main accused was the guarantor. The petitioner as also the guarantor, have failed to repay the loan amount.

The allegations against the petitioner are very serious. His connivance and cohesiveness with the main accused clearly proves his complicity in the crime. Therefore, to unearth the truth, the custodial interrogation of the petitioner is required.

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

(HARNARESH SINGH GILL)
JUDGE

11.05.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No