

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19040-2023

Date of decision: 7th August, 2023

Maghar Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ketan Chopra, Advocate for the petitioner.
Ms. Navreet K. Barnala, AAG, Punjab.
Mr. Sanjeev Sharma, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
51	13 th March, 2023	Khanna City-2, Khanna	420 of IPC, 1860 amd Section 24 of Immigration Act

2. On 19th April, 2023, following order was passed:-

“The prayer is for grant of anticipatory bail to the petitioner in case FIR No. 51 dated 13.03.2023, registered under Section 420 IPC and Section 24 of the Immigration Act at Police Station Khanna City-2, Khanna. The counsel for the petitioner made prayer that the petitioner be granted interim bail with direction to join the investigation.

The counsel for the petitioner submits that the entire prosecution story is totally false. Actually, the petitioner borrowed an amount of Rs.3,36,000/- approximately from complainant and lateron the said amount was returned to the complainant through various bank transactions which are detailed in statements of account Annexures P-3 and P-4. The counsel for the petitioner further submits that another amount of Rs.40,000/- was also paid to the complainant in cash. The counsel for the petitioner further submits that the complainant has also placed reliance upon two security cheques of Rs.5 lakhs each, alleged to be issued by the petitioner. The counsel for the petitioner further submits that on presentation of the said cheques, the same were not encashed and found to be not bearing signatures of the petitioner. The counsel for the petitioner further submits that no fraud or cheating as alleged by the complainant was ever committed by the petitioner who

is presently working as Senior Manager in Kotak Mahindra Bank, Regional Office, Chandigarh, whereas the complainant is a police official. The counsel for the petitioner further submits that in order to show his bonafide the petitioner is also ready to deposit part of the disputed amount.

Notice of motion.

Mr. C.L. Pawar, Addl. AG Punjab accepts notice on behalf of the State and has resisted the petition. He submits that the petitioner took an amount of more than Rs.10 lakhs from the complainant against two security cheques worth Rs.5 lakhs each, on the pretext of sending her daughter to the foreign country but the petitioner failed to do so and also refused to return the amount and even the security cheques were also dishonoured as the signatures of the petitioner on said cheques were different from the signatures available in the record of the bank. The State counsel further submits that the petitioner committed cheating with the complainant and is required by the police for proper investigation of the case.

In the light of the above, the petitioner is hereby directed to join the investigation of the case and in case of his arrest he is ordered to be released on interim bail by the Arresting/ Investigating Officer to his own satisfaction till the next date of hearing fixed in this case. The petitioner should join the investigation with the police in time and he is to abide by the conditions envisaged under Section 438(2) Cr.P.C. subject to the deposit of Rs.4 lakhs by the petitioner with the Court of Illaqa Magistrate concerned within next 15 days and the same will be subject to the final decision of the trial.

Now be listed on 07.08.2023.”

3. Learned State counsel on instructions submits that petitioner has joined investigation and co-operating but not depositing the amount.

4. Learned counsel for the petitioner submits that matter has been compromised between the parties.

5. Though complainant has not been impleaded as party Mr. Sanjeev Sharma, Advocate puts in appearance on behalf of the complainant and admits the factum of compromise.

6. In view of the above, interim bail granted to the petitioner on 19th April, 2023 is made absolute.

7. Since the main case has been decided, the pending applications, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

7th August, 2023

Parveen Sharma