

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22892 of 2022
Date of Decision:-10.04.2023

Amit Gupta

....Petitioner

Vs.

UT CHD

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rajiv Kumar Trikha, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. PP UT, Chandigarh.

Mr. Rohit Kapoor, Advocate for complainant.

KARAMJIT SINGH, J.

Prayer is for grant for anticipatory bail to the petitioner
in case having FIR No.21 dated 18.03.2022 registered under Sections
420, 467, 468, 471, 120B IPC, Police Station Sector-49, Chandigarh.

The allegations in nutshell are that earlier complainant
Harpal Singh lodged DDR vide GD No.053 dated 27.07.2020 with
regard to missing of certain cheques. Thereafter, on 18.03.2022, the
complainant reported to the police that he received phone call from
Axis Bank, MDC Sector-5, Panchkula that two cheques of Rs.1.5
crore each issued by him are received for clearing, on which the

complainant informed the Bank that he was having no knowledge about the said cheque and later on complainant received messages from Bank that cheque No.070437 and 070438 are returned unpaid. The said cheques are same regarding which earlier DDR was lodged by the complainant. During investigation Amit Gupta and his father Satish Kumar Gupta were nominated as an accused and on further investigation the present petitioner Amit Gupta son of Pawan Kumar was also arrayed as accused.

The counsel for the petitioner inter alia contended that petitioner was not named in the FIR and the main accused Satish Kumar Gupta and his son Amit Gupta are already granted concession of anticipatory bail by the Court of Additional Sessions Judge, Chandigarh vide order dated 8.4.2022, Annexure P-11. The counsel for the petitioner further contended that petitioner has nothing to do with the aforesaid two cheques of Rs.1.5 crores each and as per the complaint Annexure P-3 lodged by Amit Gupta son of Satish Kumar Gupta under Section 138 of Negotiable Instruments Act, both the said cheques were issued to him by complainant Harpal Singh and the same were dishonored by the concerned Bank. The counsel for the petitioner further contended that the petitioner has joined the investigation with the police in the light of order of interim bail dated 25.05.2022 passed by this Court.

The present petition is resisted by the counsel for the complainant who submits that the alleged cheques were presented by all the accused persons in connivance with the present petitioner who actively participated in the alleged transactions to defraud the complainant.

The Addl. PP Chandigarh while resisting the present petition, has not disputed the fact that the petitioner has joined the investigation and is not required for further investigation or custodial interrogation by the police. The State counsel has not denied even the fact that main accused Satish Kumar Gupta and his son Amit Gupta are already granted concession of anticipatory bail by the Court of Additional Sessions judge, Chandigarh vide order dated 8.4.2022. The State counsel has also not disputed that the petitioner was not named in the FIR.

Admittedly, the petitioner was not named in the FIR and it is a matter of evidence that as to whether the petitioner connived with main accused Satish Kumar Gupta and his son Amit Gupta in presentation of cheques in question to the concerned bank. Admittedly, no such cheque was encashed. Further, main accused Satish Kumar Gutpa and Amit Gupta are already given benefit of anticipatory bail by the Court below vide order dated 8.4.2022. Still further the petitioner who has joined the investigation is not required by the police for further investigation or custodial interrogation.

In view of the above, without commenting on the merits of the case, present petition is allowed and order granting interim bail dated 25.05.2022 to the petitioner is hereby made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

10.04.2023
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No