

210 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 35750 of 2023
Date of Decision: 29.08.2023

Parmeet Singh @ Parmeet Singh Arora and Anr.

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Sapna Seth, Advocate and
Mr. Dixit Garg, Advocate
for the petitioners.

Ms. Swati Batra DAG, Punjab.

Mr. Harsh Chopra, Advocate
for complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
0137	10.06.2023	420, 467, 468, 471, 120-B of IPC	Division No.5, Police Commissionerate Ludhiana

2. Briefly stated the case of the prosecution is that present case was registered at the instance of Ashwani Kumar-complainant stating that he is working as Marketing Manager in the restaurant being run by the petitioners, having taken the same on lease. He alleged that the petitioners

have opened an online bank account in the name of the complainant by giving the mobile number of the petitioners. The petitioners applied for cheque book pertaining to the bank account in the name of the complainant by giving their mobile No.8285055556. He alleged that thereafter, the petitioners issued 25 cheques from the cheque book by forging his signatures, and as such the some of the cheques were dishonored and those persons have been demanding money from the complainant and also harassing him. The petitioners had also tried to make payment of electricity bills to the landlord of the premises of the aforesaid restaurant by using the said cheque book and forging the signatures of complainant which was also dishonored. The petitioners also tried to pay the rent of restaurant by issuing cheque from the said cheque book by forging signatures of the complainant due to which the complainant has been suffering a lot. On the basis of the same, FIR (Annexure P-1) was registered.

3. It has been contended by learned counsel for the petitioner that the petitioners are innocent and have been falsely implicated in this case at the behest of Indertejpal Singh. He submits that petitioners are running a restaurant in the name and style "Two Spoons Restaurant" after taking the premises on lease and had employed the complainant. In the year 2021, petitioners opened bank accounts of all their employees including the complainant and the mobile number which the complainant is alleging to be in his bank records is the common number which was normally used for getting the orders and deliveries in the restaurant as and when this fact came to the knowledge of the petitioners, they immediately informed the

bank. He submitted that the services of the complainant were terminated and due to this in connivance with Indertejpal Singh the petitioners have been falsely implicated in this case. He as such prayed for grant of bail.

4. Learned State counsel assisted by the counsel for the complainant has vehemently argued that the complainant was employed as the marketing head at the restaurant for the past two years and while petitioners operated the said restaurant on lease basis. Complainant's Bank account was opened by the petitioners at Kotak Mahindra Bank with the consent of the complainant and the petitioners intentionally gave their own mobile number linked with the account and also received a cheque book of the account of complainant. They submitted that the petitioners have been issuing cheques from the account of complainant by forging his signatures due to which the same were dishonored and the persons to whom the cheques were issued started harassing the complainant. They pointed out that the petitioners had even issued the cheques from the aforesaid accounts even to pay the electricity bills of the restaurant and even the payment of lease amount to Indertejpal Singh. As per the learned State counsel, the custodial interrogation of the petitioners is required to unearth the *modus operandi* and prayed for dismissal of the bail application.

5. Considering the rival contentions and perusing the record it transpires that admittedly, the bank account in the name of complainant bears the mobile number used by the petitioners and there is specific allegation that the cheque book pertaining to the aforesaid account of the complainant was in possession of the petitioners. The very fact that the

cheques were issued therefrom to pay electricity bills and also the lease amount to the landlord, show that the same were issued in order to discharge the liability of the petitioners. There are also specific allegations that the petitioners have misused the aforesaid cheque book by forging the signatures of the complainant, therefore, considering the the facts and circumstances of the case and also the gravity of offence, it is observed that the instant case is not a fit case for grant of anticipatory bail to the petitioners. As a result, finding no case being made out in favour of petitioners for grant of anticipatory bail, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.08.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |