

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41694-2022
Date of Decision: May 22, 2023

DADU MALHOTRA Petitioner
Versus
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nonish Kumar, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.
Mr. Jatinder Malik, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail in case FIR No.748 dated 20.08.2022 registered under Sections 406, 420 and 506 IPC at P.S. City Karnal, District Karnal.
2. As per allegations levelled in the complaint, the petitioner cheated complainant of huge amount under the pretext of getting him engaged in a Government Job in Railway Department.
3. Learned counsel for the petitioner submits that the amount as alleged in the FIR was never received by the petitioner in his account nor any assurance of getting a job to the complainant in any Government Department was ever made by him. He further submits that he was having no knowledge about other complaints with similar allegations filed against the petitioner. Learned counsel for the petitioner further submits that the cheque No.008653 dated 01.06.2022 amounting to Rs.13,00,000/- was misused by the complainant as the same was never issued against due legal liability, though, he does not dispute signatures of petitioner over the said cheque while submitting

that the petitioner has already joined the investigation and the complainant can avail his remedies as per law regarding the aforesaid cheque.

4. On the other hand, learned State counsel assisted by learned counsel for complainant vehemently opposes the prayer in the present petition while submitting that a sum of Rs.7,00,000/- was paid to the petitioner by the complainant through Cheque bearing No.5077678 dated 20.11.2021 and this fact was duly reflected in the statement of account of the complainant which has been even verified by the Investigating Agency. Besides it, he also points out to an entry dated 13.04.2022 from the account of complainant to show that a sum of Rs.6,00,000/- was withdrawn which was handed over to the petitioner and that is why the petitioner issued a cheque of Rs.13,00,000/- to the complainant to return the amount received by him and thus the same reconciles with the allegations levelled by the complainant in the FIR. Learned State counsel has also referred to few other affidavits dated 24.08.2022, 05.04.2023 & 28.03.2023 given by Rajkumar, Shiva Chaudhary and Prem Singh respectively to contend that similar assurances were even extended to the deponents by the petitioner to provide them government jobs or tenders against cash amounts received from them.

5. I have heard learned counsel for the parties and have gone through the paper-book. Considering the facts and circumstances of the present case, I am unable to find any substance in the submissions made on behalf of the petitioner.

6. In the present case, a perusal of documents collected during investigation prima facie show that a sum of Rs.13,00,000/- was paid by complainant to the petitioner against which he even issued one cheque although, the same got dishonoured however, the signatures over the same were never denied by the petitioner which in a way corroborates the allegations levelled by the complainant in the FIR of complainant having been induced to part with huge money against assurance of getting Government Job. More than that, there are other complaints with similar allegations pending against the petitioner, reference regarding which has already been made in the preceding part of the order based on affidavits submitted by few other individuals wherein they have also alleged that petitioner took money from them under the pretext of getting them Government Job and Government tenders etc. Thus considering the antecedents of petitioner who is even involved in two other criminal cases as per information provided by learned State counsel, I do not deem it appropriate to extend the benefit of anticipatory bail to him especially in view of the facts and circumstances narrated in the FIR, besides this, considering the nature of allegations levelled against him as granting of relief to petitioner at this stage would even hamper the investigation itself.

7. In view of the discussions made herein-above, the present petition stands dismissed.

22.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

