

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59375-2022
DECIDED ON: 08th MAY, 2023

SUBHASH CHAND

....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Viney Saini, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked for the grant of anticipatory bail to the petitioner in FIR No.274, dated 16.09.2022, under Sections 406 and 420 IPC, registered at Police Station Saha, District Ambala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is contented by learned counsel for the petitioner that he had raised a friendly loan amounting to Rs.5,00,000/- to the complainant. Thereafter, to discharge his legal liability the complainant issued a cheque bearing No. 496880, dated 20.11.2021 for an amount of Rs.2,00,000/- in favour of the petitioner, which was dishonoured. The assertion is that the complainant had also issued a cheque bearing No. 000084, dated 06.07.2022 of Rs.7,40,000/- in favour of the son of the petitioner on account of sale of paddy crops. It is further argued that the dispute in the present case is purely of civil nature and the same has been

given colour of criminal proceedings by way of present FIR.

3. Learned State counsel has vehemently contended that the petitioner in connivance with other persons, with dishonest intention caused a loss of Rs.19,40,000/- to the complainant. He would say that the accused-persons dishonestly provided, at the service of complainant, a commission agent, portals of their relatives for selling the crops of third parties whose crops were lying with the complainant, but the same could not be sold and instead of providing the said amount to the complainant, which was to be paid by the complainant to the farmers, whose crops were sold, committed breach of trust in respect of that amount, by getting the said amount transferred in their own accounts. It is further contended that the second anticipatory bail of the co-accused of the petitioner namely Jatinder Rana (son of the petitioner) has already been dismissed by this Court vide order dated 14.03.2023 passed in CRM-M-11210-2023 and argued that accordingly, the petitioner also does not deserve the concession of pre-arrest bail.

4. Heard learned counsel for the parties at length.

5. From the perusal of record it is forthcoming that during investigation the police has recorded the statement of one Narinder Singh @ Baru, whose portal was provided to the complainant for selling the crops of third persons. Narinder Singh @ Baru, who is the relative of the petitioner has categorically admitted that on the asking of accused-persons, he and his son provided their respective portals to the accused-persons. Thereafter, the son of Narinder Singh @ Baru transferred an amount of Rs.4,24,233/- in the account of Jatinder Rana (son of the petitioner) and again an amount of

Rs.3,12,000/- was transferred in the account of Jatinder Rana.

6. The petitioner has not placed on record any material to show that any particular quantity of crop belonging to him was sold by him through complainant by using the portal of Narinder Singh and his son. Moreover, the petition seeking anticipatory bail to Jatinder Rana (son of the petitioner) has already been dismissed by this Court

7. Keeping in view the afore-said facts and the seriousness of the allegations added with the fact that the petitioner has played an active role while commissioning the offence of cheating, this Court is of the considered view that custodial interrogation of the petitioner is required to unearth all the ramifications involved in the present case. There is also no material to establish the innocence of the petitioner, hence, the question of admitting him on bail does not arise at all.

8. In view of afore-said discussions, the present petition is dismissed being devoid of any merits.

08th MAY, 2023

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(SANDEEP MOUDGIL)
JUDGE

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