IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5423-2024
Date of Decision: April 04, 2024

AJAY KUMAR ....Petitioner

Versus

STATE OF HARYANA ....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. DPS Bajwa, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Devansh Khanna, Advocate for the complainant.

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HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.495 dated 22.12.2023 registered under Sections 420, 406 and 506 of IPC at P.S. City Thanesar, District Kurukshetra wherein, the petitioner has been implicated with the allegations of having played fraud upon the complainant by having extracted and usurped a huge sum of Rs.9,03,000/- on the pretext of investing it with Meta Company for earning interest against the same.

2. Learned counsel for the petitioner submits that in the response filed on behalf of the Investigating Agency, it has been clearly mentioned that sum of Rs.1,28,000/- which allegedly was received by the petitioner from complainant was found to have been invested with Meta Company in his name and the complainant was even earning interest out of it and accordingly, allegations against the petitioner of having misappropriated the amount were patently false. He further points out that as per the allegations, the fraud was played upon the complainant while getting the two self-drawn cheques dated 01.07.2023

and 31.08.2023. Learned counsel submits that once the petitioner committed fraud with the complainant by withdrawing the cash through self-drawn cheque dated 01.07.2023, there was no occasion for her to issue another self-drawn cheque dated 31.08.2023 in favour of the petitioner. He also submits that there has been inordinate delay on the part of the complainant in lodging of the aforementioned FIR. He further submits that even the contention raised at the time of issuance of notice of motion by learned counsel representing complainant is not substantiated from the investigation so far been carried out by the Investigating Agency as only a sum of Rs.50,000/- has been found deposited in the name of the petitioner with Meta company.

3. On the other hand, prayer made herein has been vehemently opposed by learned State counsel assisted by learned counsel for the complainant while submitting that there is CCTV footage of the petitioner withdrawing the amount from the account of complainant through two self-drawn cheques on the relevant date and the said CCTV footage has even been handed over to the Investigating Agency. While referring to Para 7 of the present petition, learned counsel for the complainant points out that the withdrawal of amount through the aforementioned two self-drawn cheques bearing Nos.631 and 633 from the account of complainant was even admitted by the petitioner in his pleadings. Learned counsel for the complainant further points out that even a CD regarding certain conversation between

the petitioner and the complainant as regards the handing over of the account key of the complainant has also been supplied to the investigating agency which corroborates the allegations levelled in the FIR to a substantial extent. In addition, learned State counsel submits that the admission on the part of the petitioner of having invested Rs.1,25,000/- in the name of complainant with Meta Finance further substantiates and corroborates his role and thus, the petitioner does not deserve the concession of bail.

4. I have heard learned counsel for the parties and gone through the paper-book. I am unable to find substance in the submissions made by learned counsel for the petitioner.

5. Though, the withdrawal of the amount through self-drawn cheques from the account of complainant has been now disputed at the time of hearing, however, Para 7 of the present petition goes contrary to the same as in fact an admission on the part of the petitioner of having withdrawn the amount through those two self-drawn cheques bearing Nos.631 and 633 from the account of the complainant has been made in no uncertain terms. The contents of Para 7 of the present petition for reference are reproduced hereunder:-

> “That the petitioner never allured or induced complainant, who herself is a well educated woman and working as a Branch Manager in SBI, to invest her money. The falsity of the case set up by complainant is apparent from the fact that she never issued cheques (mentioned by her in complaint) either in the name of petitioner or other co-accused, rather cheques No.631 and 633, both were 'self-cheques' and she being Branch Manager, if had not given her assent to get the same encashed, there is no way that petitioner and other co-accused would have been able to withdraw the money.”

6. Furthermore, as pointed out by learned State counsel, the fact that the sum of Rs.1,25,000/- which was taken from the complainant and was invested in her name with Meta Company by petitioner itself further substantiates the allegations regarding fraud committed upon the complainant along with the amount having been received from the complainants from time to time. Thus considering the nature and gravity of the offence especially, when the petitioner first earned the faith of the complainant and later defrauded her with huge amount disentitles him from grant of discretionary relief as the case in hand requires custodial interrogation of the petitioner so as to further the fair and impartial investigation and thus, I do not see any reason to grant the benefit of anticipatory bail in his favour.

The present petition accordingly stands dismissed.

04.04.2024 **(HARKESH MANUJA)**
Tejwinder **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*