

2024:PHHC:092033



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-26776-2022 (O&M)
Date of decision: 23.07.2024

Tarun Vats ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lalit Singla, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. B. S. Sidhu, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 86 dated 17.06.2021, under Sections 406, 420, 120-B of IPC at Police Station Sadar Rupnagar, District Rupnagar.
2. Vide order dated 21.07.2022, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 21.07.2022, passed by this Court, reads as under:

“...As per the case set up, the petitioner-Varun Vats along with Manish Chopra, cheated the complainant. The accused had shown different land but got sale deed registered in favour of complainant for another land. An amount of Rs. 22,80,000/- was paid as sale consideration.

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Learned counsel for the petitioner submits that the accused have refunded the amount of Rs. 22,80,000/- through Demand Draft in the name of husband of the complainant. It is further argued that the land which was got registered in the name of complainant continues to be in her name.

Learned State counsel opposes the prayer and submits that the petitioner is a habitual offender and is involved in five more FIRs.

Mr. J.S. Gill, Advocate and Mr. B.S. Sidhu, Advocate, appears for respondent No.2 and opposes the prayer and submits that though the amount has been refunded but the complainant is facing agony since 2016, due to conduct of the accused. The contention is that by refunding of the amount accused has admitted the guilt. He further submits that compromise annexed with the petition is forged document.

Learned counsel for the petitioner at this stage on instructions submits that the petitioner is ready to give his specimen signatures, if so required.

Without commenting upon the merits of the case and considering the nature of allegations and the subsequent event i.e. the amount in question has been refunded, the land continues to be in the name of purchaser, no recovery is to be made, petitioner volunteers to give his specimen signatures, prima-facie, no case is made out for custody, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for.

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*He shall abide by the conditions as envisaged under
Section 438(2) Cr.P.C.*

List on 26th August, 2022.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has already joined investigation and he is not required for custodial interrogation. However, learned counsel for respondent No. 2/complainant, in terms of her reply which is available on record, has submitted that the petitioner has taken 110 blank cheques of Rs. 15,000/- each from the complainant, which have not been returned to her so far and there are chances of the petitioner's misusing those cheques on being extended benefit of pre-arrest bail. Hence, it is argued by him that the petition is liable to be dismissed.

4. Learned counsel for the petitioner has very fairly conceded that 110 cheques had been handed over by respondent No. 2 to him and most of the cheques except some of them, which were used for the purpose of depositing installments of loan availed by respondent No. 2, are in custody of the petitioner. It is also submitted that he is ready to hand over the same either to the Investigating Officer or to respondent No. 2 as per direction to be given by this Court.

5. The petitioner has since joined the investigation. It has come on record that entire money, which was paid by respondent No. 2 to the petitioner, has been returned by him to her. As such, no recovery is to be effected from him. No useful purpose would be served by detaining the petitioner into custody. Keeping in view the peculiar facts and circumstances of the case but without meaning to make any comment on the merits of the

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case, the present petition is allowed and the order dated 21.07.2022, granting interim bail to the petitioner, is made absolute, subject to the condition that he would hand over the original blank cheques signed by respondent No. 2 to the Investigating Officer along with an affidavit in the form of undertaking that no more cheque signed by respondent No. 2 is in his custody and also that if any of such cheques is found to be in his custody at some later stage, the same would not be used by him in any manner whatsoever and shall be handed over to respondent No. 2 or shall be deposited before the Investigating Officer/trial Court. The Investigating Officer shall make those cheques and the undertaking given by the petitioner, a part of the final report to be submitted after conclusion of the investigation and respondent No. 2 shall be at liberty to move appropriate application before the trial Court to seek custody of the cheques handed over by the petitioner to the Investigating Officer/trial Court. The petitioner shall also abide by the usual conditions envisaged under Section 438(2) of Cr.P.C.

23.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes