

CRM-M-28020-2023
Date of Decision:23.01.2024

Vs.

State of Punjab ...Respondent

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate,
Mr. Kanishk Sarup, Advocate and
Mr. Tarunjot Singh Sidana, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

Ms. Ritam Aggarwal, Advocate
for the complainant.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.48 dated 29.03.2023 under Sections 384,386,420,506,120-B of IPC, registered at Police Station Phase-8, District SAS Nagar (Annexure P-1).

2. The FIR in the present case was got registered by Piyush Sharma son of Ashwani Sharma by alleging that Jatin Chhabra, the petitioner was his classmate and during Covid-19 pandemic, mother of Jatin Chhabra was suffering from various ailments and he had taken various amounts from the complainant. The complainant had transferred an amount of Rs.10 lacs between 17.07.2021 to 13.08.2021, in the account of Jatin Chhabra. Again on the

demand being raised by petitioner, an amount of Rs.20,000/- was transferred by the complainant in the account of Jatin Chhabra on 20.01.2022. Later on, another sum of Rs. 13 lacs was transferred in the account of Jatin Chhabra by the complainant, as his father was admitted in hospital due to some illness. Jatin Chhabra had taken various amounts from the complainant from time to time and some amount was lent in cash also. As per the complainant, Jatin Chhabra had the intention to cheat the complainant of his hard earned money. Even some amount was returned also by Jatin Chhabra. Later on, Jatin Chhabra started threatening the complainant that he had committed the offence under Prevention of Money Laundering Act and he would get him falsely involved in a case. Jatin Chhabra had taken a sum of Rs.61.63 lacs from the complainant with an intention to cheat him.

3. Learned senior counsel appearing on behalf of petitioner submits that in compliance of the interim order passed by this Court, petitioner had joined the investigation. Learned senior counsel further submitted that the petitioner and the complainant are childhood friends and there were several monetary transactions between both of them. Even the petitioner had received a sum of Rs.54,92,210/- and had returned an amount of Rs. 16,17,100/-.He further submitted that both the parties had entered into a settlement/compromise on 09.09.2022 for a sum of Rs. 50,25,000/-. The petitioner paid an amount of Rs.6,80,000/- from his bank account and Rs.1,50,000/- in cash to the complainant. Learned counsel further submitted that it was a case of monetary transaction between the parties and has been given colour of a criminal offence. He further submits that even during the pendency of the present bail

application, the peititoner had returned a sum of Rs.25 lacs by way of various bank transactions/drafts to the respondent/complainant.

4. On the other hand, learned State counsel also submits that the petitioner has already joined the investigation and had fully co-operated with the Investigating Agency. Learned State counsel further submitted that the custodial interrogation of the petitioner is not required, at this stage.

5. Learned counsel for the respondent/complainant has vehemently opposed the submissions made by learned counsel for the petitioner. Learned counsel for the respondent/complainant vehemently argued that the petitioner had the intention to cheat him from the very inception and the petitioner does not deserve the concession of bail.

6. I have given my anxious consideration to the submissions made by learned counsel for both the parties.

7. In the present case, the petitioner had joined the investigation and as per the statement made by learned State counsel, the custody of the petitioner is not required, at this stage. Still further, it is also apparent that it is a monetary dispute between both the parties and even during the pendency of the present bail application, the petitioner had returned an amount of Rs.25 lacs to the complainant. Apart from that, the entire case is based on documentary evidence, which has already been taken into possession by the police and in the considered opinion of the Court, no purpose would be served by sending the petitioner behind the bars.

8. Consequently, the petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under

Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

23.01.2024
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No