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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.205

CRM-M-34691-2024 (O&M)
Date of decision : 19.12.2024

Sumit Kumar Prabhakar Petitioner

VERSUS

State of Punjab and another Respondents

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ruhani Chadha, Advocate for the petitioner.
Mr. Vinay Kumar Malhotra, DAG, Punjab.
Mr. Karan Jund, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.37 dated 04.04.2024, under Sections 406 & 120-B IPC, registered at Police Station Kartarpur, District Jalandhar, the petitioner has preferred this petition under Section 438 Cr.P.C for grant of pre-arrest bail.
2. The relevant translated version of FIR is reproduced below:-

“Complaint No.507/PTOO dated 02.10.2023, To Senior Superintendent of Police. Jalandhar Rural Subject Complaint against Sumit Kumar Prabhakar, Mobile No. 87279-96277 owner of RK Solution Lane No. 3, 19-A, Bachint Nagar, Jalandhar for falsely saying to install solar system and in lieu of that taking money from the applicant and after that committing fraud and not installing solar system. Respected Sir, I Jagdish Sehgal S/o Amarnath Sehgal owner of Sehgal Herbal and Organic stock Natural Firm resident of EQ-326, Rounak Bazaar, Jalandhar and I am resident of the above mentioned address. That I am doing the business of herbal and organic products. I wanted to install a solar system at the roof of my

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shop and in this regard, I met Sumit Kumar Prabhakar at Kishangarh, Jalandhar and we met at the factory of my cousin brother Satprakash Sehgal S/o Sh. Krishan Lal Sehgal and over there Sumit Kurmar Prabhakar gave me a quotation for implanting Solar System which is affixed herewith. On dated 30.06.2023, from State Bank of India, Branch Folriwal, Jalandhar and from my firm owner and Sehgal Herbal and Organic Stock natural and from there they made a draft in the account no. 00000037608290210 for a sum of Rs. 2,50,000/- vide UTR No. SMIN123181430915 and through that they transferred the same in the name of RK Solution i.e. Sumit Kumar Prabhakar's firm and the copy of the bank draft is affixed herewith. But till today, neither Sumit Kumar Prabhakar has installed solar system at my shop nor he has returned my money and even he is not receiving my phone. It is requested that against Sumit Kumar Prabhakar legal action may be taken and further Sumit Kumar Prabhakar may install Solar System plant on my shop or he may return my money alongwith interest. I shall be greatful to you. Sd/- Jagdish Sehgal S/o Amarnath Sehgal, R/o EQ-326, Rounak Bazaar, Jalandhar, Mobile No. 95172-31262.”

3. Learned counsel for the petitioner *inter alia* submits that allegedly, the petitioner had taken an amount of Rs.2,50,000/- from the complainant for installation of solar system at his shop but thereafter, neither the solar system was installed nor the amount in question was returned. He further submits that the petitioner has been falsely implicated in this case and the amount in question was paid by the complainant to the petitioner but thereafter, he demanded the return of Rs.25,000/- from the petitioner. At the request of the complainant, the petitioner paid Rs.25,000/- to the

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complainant however, the aforesaid amount was not paid by the complainant to the petitioner.

4. Vide order dated 04.10.2024 passed by this Court, the parties were directed to appear before the Mediation & Conciliation Centre of this Court for working out a possible amicable settlement.

5. Report dated 03.12.2024 has been received from the Mediation & Conciliation Centre of this Court and the case has been sent back to this Court being unsettled case.

6. Learned State counsel has also submitted that a complaint dated 02.10.2023 was filed by the complainant Jagdish Sehgal to the office of Senior Superintendent of Police, Jalandhar (Rural) against the present petitioner, in which, the complainant leveled allegations of cheating against the present petitioner. The complainant alleged that on 30.06.2023, a sum of Rs.2,50,000/- was transferred from the bank account of the complainant's firm namely, Sehgal Herbal and Organic Stock Natural. The said amount was transferred in the name of RK Solution which is the firm of the petitioner. The petitioner neither installed the solar system at the complainant's shop nor returned the said amount. During investigation, it was found that a sum of Rs.25,000/- was given by the complainant to the present petitioner to arrange an electricity connection and the same was returned to the complainant on 01.07.2023.

7. Heard the rival submissions made by learned counsel for the parties.

8. A perusal of the record reveals that there are serious allegations leveled against the petitioner. The petitioner had taken an

amount of Rs.2,50,000/- for installation of solar system at his shop. As per

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the mediation report received, the matter could not be amiably settled between the parties. Accordingly, this Court is of the view that the petitioner is not entitled to concession of anticipatory bail.

9. In view of the aforementioned facts & circumstances of this case as well as submissions made by the learned State counsel, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

10. In view of above, the interim bail granted to the petitioner vide order dated 22.07.2024 stands revoked.

11. Accordingly, the petition is dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.12.2024
Ramandeep Singh

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