

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35846-2024 (O&M)

Date of Decision: 02.09.2024

Nitin Khosla & Anr.

... Petitioners

VS.

State of Punjab

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Aminder Singh, Advocate for the petitioners

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to the petitioners in FIR No.152 dated 6.7.2024, under Sections 420 and 120-B of the IPC, 1860, registered at Police Station Bhawanigarh, District Sangrur.

(2). Facts as culminating in the FIR is reproduced as under:-

“Copy of complaint PGD ID349862 in the office of SSP Sahib Sangrur/ from Jarnail Singh son of Labh Singh resident of BishanNnagar ward No. 6 Bhawanigarh, tehsil Bhawanigarh, District Sangrur Mobile No. 9855834522 against Pooja Khosla wife of Deepak Raj Khosla resident of Bhawanigarh under section 420, 120-B IPC is received by post. The contents of which are mentioned as, Sir, SSP Sahib Sangrur complaint for taking legal action against. 1.Gian Chand mobile No. 88559- 47463 son of Banarasi Das, resident of Kakra Road Bhawanigarh retired B.P.E.O. 2. Darshna Devi Mobile No. 97810-67184 wife of Gian Chand resident of Kakra Road Bhaawanigarh. 3. Pooja Khosla mobile No.97813-88781 wife of Deepak Raj, 4. Deepak Raj mobile No. 99884-88781 son of Dharampal Khosla. 5. Nitin Khosla mobile No. 97813-88780 son of Deepak Raj. 6. Sachin Khosla son of Deepak Raj Khosla residents of Bhawanigarh, District Sangrur, who in connivance with each other and after taking the complainant in

confidence cheated him for 27 lakh rupees. Criminal case may be registered against them, the grievance of the complainant is mentioned below. 1. That the complainant had earlier submitted a complaint to you against the said accused on date 16-1-24, which was numbered 290374 P.G.D which was got registered on 18.01.2024 which was marked to SSP Police P.B.I Sangrur. 2. During inquiry the accused party was called and on 12.02.24 the accused party agreed to pay Rs. 21 lakh to the complainant on 12.05.24 and the interest on the said amount would be paid by Nitin Khosla when he became financially capable of paying the amount. 3. The above mentioned statement/settlement dated 12.02.24 was sent by SSP P.B.I Sangrur sent to you along with his report on 17.03.2024 bearing No. 23/5P/S.P.P.B.I. 4 That the accused party failed to pay the amount of Rs. 21 lakh to the complainant on 12.05.2024 rupees as per statement/settlement given by them on 12.02.24 and in this way they cheated upon the complainant. 5. That the accused knowingly made a false promise to destroy the complaint filed by the complainant and kept the complainant and your department in the dark and wasted the precious time of your department. Therefore, by submitting the application, it is requested that a criminal case may be registered against the accused as per the first complaint filed by the complainant dated 16:01:2024 Submitter SD/Jarnail Singh”

(3). When this matter came up for hearing on 29.07.2024, learned counsel for the petitioners submitted that the petitioners are ready and willing to pay the outstanding amount which was unopposed by counsel for the complainant and accordingly, this Court granted interim bail to the petitioner.

The relevant portion of the order dated 29.07.2024 reads as under:-

“Learned counsel for the petitioners vehemently submits that they are ready and willing to pay the outstanding amount, as has been pointed out by the complainant, i.e. ₹26,81,800/-, and as a bona fide gesture agreed to bring a demand draft of 50% of that amount on 31.7.2024.

Learned counsel for the complainant is not adverse to the voluntarily proposal of the petitioners, hence, matter is deferred to 31.7.2024.

In the meantime, the petitioners shall join the investigation by 10:00 a.m. tomorrow i.e. 30.7.2024, and in case their doing so, they be released on interim bail subject to their furnishing personal/surety bonds to the satisfaction of the Investigating Officer. They shall also be abide by the conditions as envisaged under Section 482 (2) of the BNSS, 2023.”

(4). Pursuant to the above order, when this matter was listed on 31.07.2024, learned counsel petitioners showed their helplessness due to their incapacity to pay the amount as agreed vide order dated 29.07.2024, however, they came forward to pay Rs.13 lakhs in another two weeks' time and the rest of the payment may be re-scheduled. This Court noticed the conduct of the petitioners but granted opportunity to the petitioners and the complainant to reach at an amicable settlement as proposed by the petitioners.

(5). Today, learned counsel for the complainant has informed the Court that the petitioners are not willing to abide by the orders dated 29.07.2024 and 31.07.2024, besides they have not come forward to talk and therefore, there is no possibility of any amicable settlement as proposed by the petitioners himself vide order dated 31.07.2024.

(6). Learned State counsel has handed over a list of as many as 10 complaint under Section 138 of the Negotiable Instruments Act, 1881 pending against the petitioner besides there are two FIRs i.e. FIR No.0145 dated 10.09.2023 under Sections 406/420/120-B IPC registered at PO Civil Lines Patiala; and FIR No.0075 dated 01.05.2024 under Sections 420/120-B registered at Bhawanigarh, District Sangrur excluding the present FIR which

establishes that the petitioners are habitual offenders who are involved in cheating and duping people of their hard earned money. Moreover, the petitioners have failed the test to prove their *bona fide* despite four opportunities granted by this Court and are readily not willing to abide by the undertaking given by them vide order dated 31.07.2024.

(7). Looking at the conduct of the petitioners and their credentials wherein numerous cases under Section 420 IPC have been lodged against them including cheque bounce cases under Section 138 of NI Act which shows that they are the regular offenders having committed such offences with various other persons as is evident from the list of cases provided by the learned State counsel which stood corroborated by learned counsel for the complainant, the petitioners do not deserve the concession of anticipatory bail.

(8). In view of the above discussion, there is no merit in the present petition and the same is accordingly dismissed. Resultantly, the order dated 29.07.2024 vide which petitioners were released on interim bail is hereby recalled and their personal/surety bonds are forfeited and they be arrested forthwith.

02.09.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No