**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.52352 of 2024
Date of Decision: 21.10.2024**

Anil Kumar Taneja and another ... Petitioners

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Bipan Ghai, Senior Advocate,
with Mr. Nikhil Ghail, Advocate,
Mr. Paras Talwar, Advocate and
Mr. Joban S.Dhaliwal, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

Mr. Karan Sachdeva, Advocate and
Mr. Saurav Gumbal, Advocate,
for the complainant.

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**<u>MANISHA BATRA, J. (Oral)</u>**

1. The present petition has been jointly filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in FIR mentioned below:-

| **FIR No.** | **Dated** | **Police Station** | **Sections** |
|---|---|---|---|
| 179 | 28.08.2024 | City-1 Abohar, District Fazilka | 406, 420, 506 and 120-B of IPC |

2. Adumbrated facts as emanating from the record are that the complainant Suman Kumar Taneja and the present petitioner i.e. his

brother Anil Taneja were previously running a joint business of Waxing of Kinnow fruit and manufacture/sale of plastic crates, scrap etc. Subsequently, due to disputes having arisen between them, their businesses were separated. The complainant Suman Taneja alleged that his wife Anju Bala and himself were having their personal bank accounts and they were also holding accounts in the names of their firms. Twenty one cheque books were got issued by them in the names of their firms as well as qua their personal accounts. These cheque books were found missing in the year 2020. The wife of the complainant had given information about loss of those cheque books and by giving details of the cheque numbers, had made request to their banker to not to have any transaction with regard to the cheques of those specific numbers. The complainant alleged that just few days back, he came to know that one of the cheques that had been found missing from his house, was going to be misused by the co-accused Vinod Kumar in connivance with the petitioner-Anil Kumar Taneja, who were close friends. By alleging that the petitioners in connivance with the co-accused Vinod Kumar had stolen some cheque books from the house of the complainant and due to strained relations between them, were misusing the same, he prayed for taking action in the matter. Apprehending their arrest, the petitioners moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated 13.09.2024.

3. It is argued by learned counsel for the petitioners that they have

been falsely implicated in this case. The complainant had purchased waste plastic scrap from the firm of petitioner No.2-Nitish Taneja and had signed credit bills in this regard. To pay off his debt, he had issued a cheque bearing No.937093 dated 26.02.2024 for a sum of Rs.20 lakhs in favour of M/s ANSS Industries owned by the petitioner No.2. This cheque was dishonoured and after issuing mandatory notice, a complaint under Section 138 of the Negotiable Instruments Act, 1881 (For short "NI Act") has been filed by the petitioner No.2 against the complainant which is pending. The complainant had also borrowed an amount of Rs.33,75,000/- from the firm M/s Shubham Enterprises which is proprietorship concern of Meera Rani, wife of petitioner No.1 and to repay the said amount, he had issued two postdated cheques bearing No.027900 and 027847 respectively from the bank account of his firm in favour of firm owned by the wife of the petitioner No.1. Both these cheques were dishonoured and complaints filed under Section 138 of NI Act as against the complainant are pending. The complainant in connivance with his wife and son and by forging signatures of petitioner No.1 got an amount of Rs.12,47,640/- withdrawn from the bank account of the petitioner No.1 on 16.03.2024 and when the petitioner approached the police authorities for initiating action against the complainant, he implicated them falsely in this case by exercising his political influence.

4. It is further argued by learned counsel for the petitioners that most of the cheques which were alleged to have stolen by the petitioner No.1

and his wife, had infact been issued much earlier to lodging of missing report before the bank authorities, in the names of different institutions and the amount of those cheques had also been withdrawn. While drawing the attention of this Court to Annexure P-6 which is copy of a bank account in the name of M/s Balaji Kinnow Waxing and Grading Company, presently owned by the complainant, he has argued that the cheques allegedly stolen had been proved to be issued and amount of the same was withdrawn much prior to lodging of the FIR and way back in the year 2016, which showed that a false report regarding missing of cheque books had infact been lodged by the wife of the complainant with her bank. It is also submitted that the petitioners are ready to join the investigation. Therefore custodial interrogation is not required. The FIR of this case is a counterblast to the complaints filed by the petitioner No.2 and wife of petitioner No.1 against the complainant and his wife. The petitioners did not steal any cheque belonging to the complainant or his firm rather the cheque No.521188 had been issued by the wife of the complainant. They are ready to join the investigation. The cheque amount had not been used by them and they are not beneficiary of the said amount as such. No recovery is to be effected from them. With these broad submissions, it is urged that they deserve to be released on pre arrest bail.

5. Notice of motion.

6. Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advance notice of the petition. Mr. Karan Sachdeva, learned counsel and Mr. Saurav

Gumbal, learned counsel, has appeared on behalf of the complainant. It is argued by learned State counsel assisted by learned counsel for the complainant that there are serious allegations against the petitioners. Both of them in connivance with their family members hatched a conspiracy with each other and in pursuance thereof, cheque books issued in the name of complainant and his wife had been stolen. One of those cheques bearing No.521188 was misused by the petitioners by handing over the same to co-accused Vinod Kumar by hatching a conspiracy with him, after adding an amount of Rs.20,50,000/- in the same. They also managed to file a complaint under Section 138 of NI Act against wife of the complainant on account of dishonour of the amount of the above mentioned cheque. Their custodial interrogation is required for conducting thorough investigation in the matter and to elicit information about the manner in which the above mentioned cheques and other cheques were stolen and misused by them. No extraordinary or exceptional circumstance for grant of pre-arrest bail has been made out. Accordingly, it is urged that the petition does not deserve to be allowed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record.

8. On a perusal of the record, it has been revealed that parallel to the FIR lodged by the complainant, the petitioner No.1 had filed a complaint against the complainant and his family members making allegations that the complainant and his family members had sought withdrawal of an amount of

Rs.12,47,640/- from the bank account of the petitioner No.1 on the basis of a cheque and as the petitioner No.1 received message regarding the same he had got the said payment stopped. The relationship between the petitioner No.1 and the complainant who are real brothers and their family members is admittedly strained. They were running joint business previously and now they have separated from the same. According to the complainant, the cheque bearing No.521188 had been lost and intimation about loss of this cheque and several other cheques, which were part of the cheque books, had been given by the wife of the complainant to her bank and one of stolen cheques bearing No.521188 had been used by the co-accused Vinod Kumar in connivance with the present petitioners by adding an amount of Rs.20,50,000/- in the same and getting that withdrawn from the bank account of wife of the complainant. The plea as taken by the petitioners' counsel is to the effect that many cheques which were claimed to have been lost were infact issued from the account of the firm now owned by the complainant/his wife which was previously joint business of the parties. The petitioners have also placed on record photocopies of some of those cheques which were alleged to be stolen and has asserted that these cheques were infact issued in favour of Siemens Financial Services Pvt. Ltd. Though these cheques are shown to be signed by the complainant but the photocopies show that they are not bearing any date. As such, it is a debatable question as to whether these cheques were infact issued by the complainant and were not stolen ones. The investigation is still at its nascent stage. The Special

Investigating Team has also conducted an inquiry in the matter and has reported that the present petitioner No.1 in connivance with his family members had caused disappearance of some cheques belonging to the complainant and his wife obviously, with a view to cause wrongful loss to them and one of those lost cheques is alleged to have been used by the co-accused Vinod Kumar, a close friend of the petitioner No.1, by getting it issued in his favour. It is only on thorough evaluation of the evidence to be produced during trial that it can be concluded as to how the cheque which was claimed to have been lost by the wife of the complainant in the year 2020 had been allegedly issued by her in the year 2024 in favour of the co-accused. The matter requires thorough and proper investigation and for that purpose, the custodial interrogation of the petitioners is required. More so, no exceptional circumstance for extending benefit of pre-arrest bail has been made out in their favour. The anticipatory bail petition of co-accused Vinod Kumar has already been dismissed by this Court vide order dated 23.09.2024 passed in CRM-M No.47040 of 2024. In view of the above discussed facts and circumstances, I see no reason to allow this petition. Accordingly, the same is dismissed.

**(MANISHA BATRA)**
**JUDGE**

**21.10.2024**
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No