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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53291-2024
Date of Decision:-21.11.2024

ANKUSH KUMAR ALIAS ANKUSH KUMAR VERMA AND ANOTHER
... PETITIONERS

Versus

STATE OF PUNJAB
... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Piyush Setia, Advocate for the petitioners.

Mr. Malkait Dhillon, DAG, Punjab.

Mr. Vaibhav Narang, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 20.11.2024 of Deputy Superintendent of Police, Sub-Division Abohar, district Fazilka, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioners are praying for anticipatory bail in the event of their arrest in FIR detailed as under (Annexure P-1 :-

FIR No.	Dated	Sections	Police Station
157	05.08.2024	406, 420, 120-B IPC	City-1, District Fazilka

3. Argument heard.

4. It is, *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case on account of certain business transactions with the complainant. He contends that the petitioners had been working as goldsmith making gold jewellery for the complainant and complainant had taken blank security cheques for this purpose. On their demanding back the security cheques, the complainant had got lodged the instant FIR, as such he prays for grant of concession of anticipatory bail to the petitioners.

5. *Per contra* learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have contended that the petitioners had taken gold from the complainant worth ₹23 lakhs for purpose of preparing ornaments which they had not returned and even petitioner Ankush had absconded and tried to falsely implicate the complainant in a criminal case by alleging that on account of harassment made by the complainant, he had committed suicide. The learned State counsel has placed on record the copy of said note handwritten by Ankush dated 16.04.2024 on record. He contends that recovery of articles is yet to be effected from the petitioners, as such their custodial interrogation is required. Hence prayed for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the complaint moved by the complainant to the effect that he is working as goldsmith, whereas the petitioners had installed machines for making ornaments and had been taking work for this purpose. The complainant had given them gold weighing 319 grams for the purpose of preparing ornaments. Some other jewelers of the area



had also given gold to the petitioners. Due to greed, the petitioner Ankush foisted a story that on account of harassment given by the complainant and other persons, he is going to commit suicide and a hand written note to this effect dated 16.04.2024 was also recovered. He absconded from the house to create such story in order to put pressure on the complainant and other persons to whom he had to return the gold and also to black mail them. After inquiry the present FIR was registered.

7. From the perusal of record, it also transpires that there is specific version of the prosecution that the complainant had given gold weighing 319 grams to the petitioner for the purpose of preparing ornaments which they have not done. Instead, they foisted a false story by writing a note dated 16.04.2024 by petitioner Ankush that he is committing suicide on account of harassment made by complainant and left his house in order to blackmail the complainant and other persons naming therein, however he later surfaced. The recovery of articles is yet to be effected from the petitioners for which their custodial interrogation is required.

8. In these circumstances, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.11.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |