



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-57729-2024

DATE OF DECISION: 20.11.2024

AMIT GUPTA

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Naveen Batra, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed 438 Cr.P.C. for grant of Anticipatory Bail to the Petitioner in FIR No.35 dated 06.04.2024 registered under Sections 420 & 34 of IPC lodged with Police Station Haryana, District Hoshiarpur (Annexure P-1).

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘12. First Information Contents (attach separate Sheet, if necessary): Reference of complaint No.10882 PD dated 19.12.2023 UID No.282679 to Respect SSP Hoshiarpur subject complaint against Boban Diwan M. No.8146740533 resident of new Sabji Mandi, Hoshiarpur, 2 Amit Gupta M. No.8556030544 S/o Sh. Ravinder Kumar Gupta, 3. Ravinder Gupta M. No.7717290248 residents of Gud Mandi, Hoshiarpur, 4. Paramjit Singh M. No.9814049349 S/o Sh. Ranjit Singh R/o Village Kantia District Hoshiarpur, regarding cheating and fraud after making the deal for crop of potatoes and to take



necessary legal action and to get recover the amount for crop of potatoes. Sir, in the aforementioned subject it is requested to you that I Panjab Singh S/o Sh. Joginder Singh R/o Village Neela, Naloya Police Station Haryana, District Hoshiarpur and praying that 1. That aforementioned Paramjit Singh, who is doing the work of broker of potato crop, in December 2023 brought aforementioned Bovam Diwan and Amit Gupta to my fields and said that they are traders of potato crop then Bovam Diwan and Amit Gupta said that since long they are selling potato crop and they paid advance for my potato crop and had taken my crop by loading in the vehicles but did not pay the remaining amount and on repeated request made excuse and now they stopped taking my phone calls. Thereafter I contacted aforementioned P Ravinder Gupta father of Amit Gupta, who then paid me Rs.50,000/- and said that the remaining amount of Rs.2,02,157/- will pay after consulting with his son-Amit Gupta. But did not pay the amount as promised from which it is clear that aforementioned accused have cheated me with the intention to misappropriate my potato crop. It is therefore required that keeping in view the aforementioned facts, the whole matter be investigated fairly and legal action be taken against aforementioned accused for cheating and fraud and the remaining amount of potato crop be recovered. Thanking you yours faithfully, Sd/- Panjab Singh'.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in present case as ingredients Sections 406 or 420 are made out against the present petitioner. He submits that the nature of allegation as narrated in the FIR would only make out a case of contractual liability which has been given a colour



of criminal liability under the offences mentioned above. He further submits that the petitioner never contacted the complainant or allegedly induced the complainant and he has nothing to do with the alleged business of trading of potato crops. It is his contention that only on the basis of the bald allegations made in the instant FIR, the police authorities without verifying the facts implicated the petitioner in the instant FIR. He contends that nothing is to be recovered from the petitioner and the co-accused namely Ravinder Gupta has already been granted concession of anticipatory bail by this Court vide order dated 16.07.2024 passed in CRM-M-19462-2024.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that allegations of duping the farmers are levelled against the petitioner, therefore, prays for dismissal of the petitioner.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the effect that the nature of allegation as narrated in the FIR is only of contractual obligation, co-accused namely Ravinder Gupta has already been granted concession of anticipatory bail, the petition is nominated in the instant FIR only on the basis of bald allegations, moreover, the State Counsel is unable to produce any incriminating material against him, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide



intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C as reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation

within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

20.11.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>