

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M No.44328 of 2024
Date of decision: 09.09.2024

JASWINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

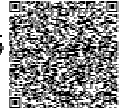
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Devesh Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

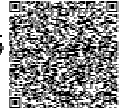
MANISHA BATRA, J. (oral)

1. Prayer in this petition has been made by the petitioner for grant of pre arrest bail in case arising out of FIR No.194 dated 25.07.2024 registered under Sections 420 of IPC at Police Station Sahnewal, District Ludhiana on the basis of a written complaint filed by the complainant-Manjit Singh alleging therein that the present petitioner was running a shop in the name of Akash Telecom in the neighbourhood of the complainant wherein he used to do the business of money transferring and opening accounts in different banks. He also used to prepare Aadhar cards/PAN cards and licenses. The petitioner projected himself as a bank employee and used to offer several schemes to the public persons thereby alluring them to open accounts in banks. The complainant alleged that in the year 2011-12, the petitioner induced him to give his Aadhar card, PAN card and some other documents on the pretext of taking a Life Insurance Policy in his name. He also made the complainant sign some blank plain and stamp papers. However, no such insurance policy was given to him and when the complainant asked about issuing the same sometime thereafter, the petitioner made some or the other excuses.



2. As per the further allegations, about some days back, on receipt of information regarding seizure of his bank account by the Income Tax Department and on receiving a notice, the complainant had approached the Income Tax Authorities and was shocked to know that apart from his bank account which was opened by him with Yes Bank, there were some other bank accounts in his name and transactions of huge amount of money had taken place through those accounts. The complainant made inquiries from the banks and came to know that two bank accounts in ICICI bank had been opened in his name without his information and knowledge and in both these accounts, it was the mobile phone number of the present petitioner, which was registered as the number of the bank account holder, whereby, the petitioner had conducted transaction of several crores of rupees. The complainant received notice from Income Tax Department raising demand of ₹17 lacs, though, no transaction had been done by him. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana, which was dismissed vide order dated 20.08.2024.

3. Learned counsel for the petitioner contends that it was with the consent and knowledge of the complainant that he had opened bank accounts in his name. He did not prepare any forged and fabricated documents. No offence of cheating has been committed by him. In fact, the complainant himself had contacted him to provide some job to him as he was unemployed. The petitioner had offered him to become a partner with him and had assured to give commission per transaction made in his bank account for doing money



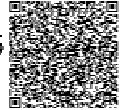
transferring business. The complainant had agreed to the same and as per oral agreement of the petitioner and the complainant, the latter had given his mobile number in the bank and thereafter the petitioner had started transferring money in the account of the complainant. The petitioner is ready to join the investigation. His custodial interrogation is not required. Nor any recovery is to be effected from him. He did not cause any wrongful loss to the complainant. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, submits that there are serious allegations against the petitioner by inducing the complainant to take a life insurance policy, he had taken his Aadhar Card, PAN card and other relevant documents as well as got signed some papers by him and then by misusing the same, he had done transactions worth crores of rupees and it was the complainant against whom notice by the Income Tax Department raising demand of ₹17 lacs, has been issued. The accounts were opened by the petitioner obviously to cheat the complainant and to cause wrongful loss to him as well as to have wrongful gain for himself. His custodial interrogation is required for proper investigation of the matter by the Police. Therefore, it is urged that the petition does not deserve to be allowed.

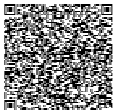
6. I have heard learned counsel for both the parties at considerable length.

7. The petitioner is alleged to have induced the complainant to give documents of his identity like Adhar card, Pan card and to sign some papers way back in the year 2010-11, on the pretext of getting a Life Insurance Policy



issued in his name but by misusing those documents, the petitioner got opened three bank accounts in the name of the complainant by getting his own phone number registered in those accounts and thereby, made transaction worth crores of rupees. He is alleged to have caused wrongful loss to the complainant. The allegation against him are serious in nature. For the purpose of proper investigation of the matter by the Police as well as for eliciting the truth about the manner in which the subject offence had been committed by the petitioner, his custodial interrogation is must. Moreso, it is well settled that while deciding the petition for grant of anticipatory bail, the Court should take into consideration the nature and gravity of the accusation, severity of the punishment in the event of conviction and also the fact that whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence. That apart, danger of his absconding or fleeing, likelihood of repeating the offence, end of justice being thwarted by grant of bail must also be taken into consideration. The Court must be circumspect while exercising power for grant of anticipatory bail and it should not be granted as a matter of rule. In the present case, no exceptional circumstance warranting exercise of power for grant of anticipatory bail has been made out. Keeping in view the nature of allegations as levelled against the petitioner, gravity of the accusation, severity of the punishment in the event of conviction and in view of the discussion as made above, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.



9. Since the main petition has been dismissed, pending application if any is rendered infructuous.

09.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No