

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11432-2015 (O&M)

Date of decision: June 02, 2015

Rahul Thakur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.K. Walia, Advocate for the petitioner.
Mr. Ankur Jain, AAG, Punjab.
Mr. Ritesh Pandey, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Section 420 IPC at Police Station Police Lines, Patiala, vide FIR No.180 dated 23.09.2014.

Learned counsel for the petitioner vehemently argued that petitioner has no role to play in the crime. He had opened a joint account with son of the complainant, thus, he was entitled to withdraw the amount from the same.

Learned State counsel opposed the plea and referred to reply by way of affidavit of Harpal Singh, Dy. Superintendent of Police (City-I) Patiala.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by Sucha Singh. He alleged that he was introduced to Rahul Thakur (petitioner herein) by one Saurabh. It was

promised that they would send son of the complainant abroad. Petitioner and his brother took Rs.5,20,000/- from the complainant and deposited the same after opening a joint account in ICICI Bank, Patiala. It was agreed that none of the parties would withdraw the amount individually. Clerk of the bank, however, changed the nature of the account and allowed the petitioner to withdraw the amount despite an affidavit given by the complainant. Complaint alleged that his son had not been sent abroad and he had been defrauded. After notice was issued by this court, reply by way of affidavit of Harpal Singh, Dy. Superintendent of Police (City-I), Patiala was filed. According to the affidavit, custodial interrogation of the petitioner was required. It has been stated therein that petitioner submitted affidavit Annexure R-2/T, according to which he promised two persons namely, Salvinder Singh son of complainant Sucha Singh and Tarjinder Singh son of S. Malook Singh that they would be sent to Australia. He opened two accounts in the ICICI Bank, wherein both parties deposited separate amounts. As the petitioner neither fulfilled the promise nor returned the money, complainant Sucha Singh filed instant complaint.

Keeping in view nature of allegations, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. Petition is devoid of merit and is hereby dismissed.

June 02, 2015
'Rajpal'

(RAJAN GUPTA)
JUDGE