

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

CRM-M-11808 of 2015
Date of Decision: 25.05.2015

Balwinder Verma

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. B.S. Sodhi, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Jasjit Singh, Advocate
for the complainant.

SNEH PRASHAR, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.267 dated 16.10.2013 under Sections 406, 420, 120-B and 175 of the Indian Penal Code (for short 'IPC) registered at Police Station Phase-1, Mohali

2. Briefly, the accusation against the petitioner was that he in collusion with his wife-Pooja Verma sold 81 Tolas gold ornaments to the complainant which on checking were found to be having only 39 Tolas Gold and rest was all artificial and in that manner, he (petitioner) cheated the complainant of Rs. One crore one lac.

3. Heard the submissions made by Mr. B.S. Sodhi, Advocate representing the petitioner, Mr. Ashish Sanghi, DAG, Punjab representing the State and Mr. Jasjit Singh, Advocate representing the complainant.

4. It is submitted on behalf of the petitioner that he had been falsely implicated by the complainant Jagvir Singh after one year of sale of gold to him. Learned counsel also submitted that co-accused of the petitioner namely, Pooja Verma has already been allowed anticipatory bail by this Court vide order dated 19.05.2015. Submitting that nothing remains to be recovered from the petitioner, learned counsel prayed that the petitioner be given the concession of anticipatory bail.

5. The petition was opposed by Mr. Ashish Sanghi, DAG, Punjab and Mr. Jasjit Singh, Advocate representing the complainant and they prayed for dismissal of the present petition.

6. The co-accused of the petitioner, who was given the benefit of anticipatory bail was his own wife-Pooja Verma and the role attributed to her is distinguishable. The petitioner is the main accused. Prima facie the allegation is that 42 Tolas of gold ornaments sold by the petitioner to the complainant were found to be artificial. He cheated the complainant of Rupees One crore and one lac. During the course of arguments, it has also been submitted by the learned counsel that there are three other cases of similar nature particulars of which are; First Information Report No.99 dated 29.08.2013 under Section 420 registered at Police Station Anandpur Sahib;

First Information Report No.112 dated 15.10.2012 under Section 420

registered at Police Station Anandpur Sahib; and First Information Report No. 267 dated 16.10.2014 under Section 420, 406, 120-B and 175 of the Indian Penal Code registered at Police Station Phase-1, Mohali, pending against the petitioner.

In view of the above facts and circumstances of the case, in my considered opinion, for the proper investigation into the matter, custodial interrogation of the petitioner is necessary and therefore, no case for grant of anticipatory bail to the petitioner is made out and the petition is hereby dismissed.

May 25, 2015
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(SNEH PRASHAR)
JUDGE