

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

CRM-M-22567 of 2015
Date of Decision: 31.07.2015

Gurvinder Singh @ Goldi and anotherPetitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Bikramjit Aroua, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

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.332 dated 03.09.2014 under Sections 420, 406, 506 and 120-B of the Indian Penal Code, registered at Police Station City Tarn Taran.

2. The accusation of the complainant was that Satnam Singh @ Babbi, Gurvinder Singh @ Goldy, Parvinder Singh @ Bunty and Dalbir Kaur had hatched a criminal conspiracy and cheated him by taking huge amount at different times fraudulently on the pretext of sending his son abroad alongwith Parvinder Singh @ Bunty. In all Rs. 4,15,000/- was paid by him to them. They also took matriculation certificate, scheduled caste certificate, police clearance certificate and passport of his son. They took his son to Jalandhar for getting the medical conducted but thereafter despite repeated requests they neither sent his son abroad nor returned the money. On inquiry, he came to

know that various criminal cases had been registered against Gurvinder Singh @ Goldi and that he was engaged in bad practices. When he insisted to return the money Satnam Singh and his family members threatened to eliminate him.

2. Heard the submissions made by Mr. Bikramjit Aroua, Advocate representing the petitioner and Mr. Ashish Sanghi, DAG, Punjab representing the State.

3. Learned counsel for the petitioners argued that the allegations of the complainant incorporated in the first information report were vague. It does not appear to be plausible that he paid huge amounts to the petitioners in 2010-2011 for sending his son abroad and remained silent for all this period even when the petitioners did not keep up their promise. Learned counsel contended that the wife of the complainant and wife of Satnam Singh @ Babbi (petitioner No.2) are first cousins. Being relatives they were on visiting terms. Gurvinder Singh @ Goldi-petitioner No.1, son of petitioner No.2 was living with the complainant at Tarn Taran. After he passed the matriculation examination, his original certificate was taken from school by son-in-law of the complainant. When the petitioners asked for the original certificate from him the complainant demanded Rs. 75000 and as the petitioners failed to pay the same he got the instant case registered.

Submitting that the petitioners are innocent and have been falsely implicated, learned counsel prayed that they be given the benefit of anticipatory bail.

4. Learned State counsel submits that not only the money paid by the complainant to the petitioners is to be recovered, even the documents i.e. matriculation certificate, scheduled caste certificate, police clearance certificate and passport of son of the complainant which are in custody of the petitioners are also to be recovered.

5. Indeed, in the first information report it was mentioned that the complainant had paid an amount of Rs. 4,15,000/- to the petitioners on different dates in the year 2010-2011 but he gave specific dates and also mentioned the exact amount paid on each date. Two applications one in August 2013 and the other in September 2013 stating that he had been cheated by the petitioners were given by the complainant. As submitted by learned State counsel after thorough investigation into the matter the first information report was registered on 03.09.2014. The complainant had been cheated of a huge amount and the valuable documents of his son which are in possession of the petitioners are yet to be recovered.

5. Considering the facts and circumstances of the case and least any expression above may cause prejudice to the case of either side, in my considered opinion, no ground for release of the petitioners on anticipatory bail is made out and the present petition is dismissed.

July 31, 2015
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(SNEH PRASHAR)
JUDGE