

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

CRM-M-25470-2015

Date of decision: 28.8.2015

Ashok Kumar & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Vaibhav Jain, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.
Mr. SPS Sidhu, 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 petitioners under Sections 420, 465, 467, 468, 471 IPC at Police Station City Kotkapura, District Faridkot, vide FIR No.118 dated 15.07.2015.

Learned counsel for the petitioners submits that petitioners have nothing to do with the alleged offences and they have been implicated falsely in the present case. He submits that FIR has been got registered by the complainant in connivance with the police officials. Even if the averments mentioned in the FIR are believed, it is a civil liability.

Prayer has been opposed by learned State counsel on the ground that allegations against the petitioners are serious and the petitioners do not deserve the concession of pre-arrest bail. She further submits that petitioners are habitual of cheating innocent persons by preparing forged documents.

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

FIR was lodged by Harjit Singh, a share holder of Assa Singh Trading Corporation Kotkapura, alleging that petitioners alongwith co-accused procured licence in the name of Malang Foods Private Ltd. from Market Committee Kotkapura stating themselves to be purchaser and exporter of Basmati Rice. They further showed various documents to the complainant regarding mortgage, rent etc. alongwith some association with one Banke Bihari group on the internet. Later on, it was revealed that said documents were forged and fabricated. However, in the meantime, paddy worth Rs.52-53 lacs had already been sold to the accused who had given ten cheques for payment, but same were not honoured. The accused also cheated many persons at Jaito, Sri Muktsar Sahib etc. On this complaint, enquiry was conducted and it was revealed that petitioners alongwith other co-accused had cheated the complainant for a sum of Rs.52,83,037/- and petitioner Ashok Kumar had given a rent receipt of M/s Malang Foods Private Ltd.

Keeping in view nature of allegations, petitioners are not entitled to concession of pre-arrest bail. Their custodial interrogation may be necessary to take the investigation to its logical end. A huge amount is alleged to have been cheated by the petitioners and there is also allegation of preparing false documents for gaining confidence of the public. Petition is without any merit and is hereby dismissed.

28.8.2015
'Rajpal'

(RAJAN GUPTA)
JUDGE