

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

CRM-M-26060-2015

Date of decision: 17.8.2015

Bhola Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Karanbir Singh, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

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 Sections 406 and 420 IPC at Police Station Phase 8, S.A.S. Nagar, Mohali, vide FIR No.142 dated 17.9.2014.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case. He submits that a complaint under section 138 of the Negotiable Instruments Act has already been filed by the complainant, therefore, FIR under sections 406 and 420 IPC would be abuse of process of law. Thus, petitioner deserves to be granted concession of pre-arrest bail.

Prayer has been opposed by learned State counsel on the ground that petitioner has cheated complainant on the pretext of getting a job for their son, therefore, custodial interrogation of the petitioner is

required.

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

FIR was lodged by Shashi Bala alleging that accused (petitioner herein) promised her husband to arrange for employment for their son in Electricity Board as his wife was working there. He demanded Rs.1.00 lac for this purpose. On 27.4.2013, Rs.50,000/- was paid in cash to the petitioner. He took certificate of son of the complainant. Thereafter, Rs.30,000/- was paid by complainant and her husband to the petitioner, who assured them that on getting remaining amount of Rs.20,000/-, he would get joining letter for son of the complainant, but neither he gave joining letter nor returned Rs.80,000/- taken from the complainant and her husband. On 8.2.2014, petitioner gave a cheque for Rs.80,000/- to husband of the complainant which was dishonoured.

Keeping in view nature of allegations, petitioner is not entitled to concession of pre-arrest bail. His custodial interrogation may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

17.8.2015
'Rajpal'