

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

Criminal Misc.No.M-26881 of 2015

Date of Decision: August 13, 2015

Divesh Kumar @ Dinesh Kumar @ Mulla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: None for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

The case has been called twice since morning. At the first call, the prayer for pass over was made but at the second call, no one has put in appearance on behalf of the petitioner, therefore, this Court by itself has perused the material available on record.

The impugned FIR was registered against the petitioner, Divesh Kumar @ Dinesh Kumar @ Mulla, on the statement of Arun Kumar, who alleged that the petitioner and his co-accused had floated a partnership firm in the name of M/s D.K. Auto Deal and Finance Company and as many as 70 members were incorporated and each one of them had to pay ₹ 2,000/- (Rupees two thousand only) on 10th of every month. A prize, in the shape of motorcycle, was to be given to one member every month. After six months, the petitioner and his

co-accused closed the firm. When the informant demanded his share then they refused to return the money. The petitioner and his co-accused had cheated the general public.

The case of the petitioner is that he was not concerned with M/s D.K. Auto Deal and Finance Company. However, during investigation, the copy of the registration form of firm M/s D.K. Auto Deal and Finance Company was taken into possession by the police which clearly spells out that Mandeep Singh and Divesh Kumar @ Dinesh Kumar @ Mulla were the partners of the said firm. There was documentary evidence to show that the informant was the member of the scheme floated by the petitioner and his co-accused. During investigation, the presence of the petitioner appears to be necessary. The petitioner has cheated the general public by charging huge amount and thereafter, refused to keep his word.

No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

August 13, 2015
seema

(Naresh Kumar Sanghi)
Judge