

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

CRM-M-29556-2015

Date of decision: October 06, 2015

Raj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Aalok Jagga, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. P.P.S. Duggal, Advocate for the complainant.

Rajan Gupta, J.(oral)

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 120-B IPC at Police Station City Jalalabad, District Fazilka, vide FIR No.84 dated 10.7.2015.

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 there is no direct allegations against the petitioner and the present FIR is a result of previous enmity.

Prayer has been opposed by learned State counsel on the ground that allegations against the petitioner are serious and thus, he does not deserve the concession of pre-arrest bail. He (on instructions from Head Constable Gurbakhs Singh, who is present in court) submits that petitioner is also involved in two other cases including one under

Narcotic Drugs and Psychotropic Substances Act, 1985.

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

FIR was lodged on the complaint made by Raj Singh, who is a retired SHO, wherein it has been alleged that petitioner alongwith co-accused Neeraj Kumar cheated him for an amount of Rs.45,000/- for procuring a birth certificate of son of the complainant. Complainant paid Rs.45,000/- to the petitioner but neither money has been returned nor birth certificate of son of the complainant got procured by him. It transpires that an enquiry was conducted by Deputy Superintendent of Police, Fazilka with regard to the complaint made by the complainant and thereafter, FIR was registered against the petitioner.

Keeping in view the serious allegations against the petitioner and co-accused Neeraj Kumar, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. Besides, petitioner is also involved in two other cases including one under NDPS Act. 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

October 06, 2015
'Rajpal'