

CRM-M-36719-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision: 29.10.2015

David Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.305, dated 10.09.2015, under Sections 420, 406, 506 and 120-B of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Amritsar City.

Prosecution story, in brief, is that Kashmir Singh was suffering from kidney failure and his kidney required to be transplanted. Kashmir Singh was assured by the petitioner and his co-accused that they could help him in arrangement for transplantation of his kidney in a legal manner. In this regard, petitioner and his co-accused raised a demand of ₹35,00,000/-. However, the matter was settled at ₹25,00,000/-. Kashmir Singh handed over ₹7,00,000/- to the

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petitioner by way of advance money. However, the petitioner and his co-accused failed to make the arrangement for transplantation of kidney for Kashmir Singh. Kashmir Singh died on 08.04.2015. Petitioner and his co-accused had failed to return the advance money taken by them from Kashmir Singh.

Learned counsel for the petitioner has submitted that, in-fact, petitioner had taken loan of ₹2,00,000/- from Kashmir Singh and was ready to return the same and the petitioner has been falsely involved in this case.

In the present case, allegations levelled against the petitioner are serious in nature. As per the prosecution case, petitioner had taken ₹7,00,000/- by way of advance money from Kashmir Singh to make arrangement for transplantation of his kidney in a legal manner. However, petitioner and his co-accused failed to make any arrangement for transplantation of kidney of Kashmir Singh. Kashmir Singh died in April 2015. Petitioner might be required for custodial interrogation. Hence, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

October 29, 2015
kapil

(SABINA)
JUDGE