

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

CRM-M-40521 of 2015

Date of decision: December 08, 2015

Rajeswar Pathak

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

Ms. Ashima Mor, APP for U.T. Chandigarh.

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 Sector 39, Chandigarh, vide FIR No.438 dated 27.10.2015.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated. There was a loan transaction between the parties. The allegation that petitioner had taken money for sending the complainant abroad, is false. Petitioner, thus, deserves concession of pre-arrest bail.

Plea has been opposed by the State counsel. She has produced the case diary. Referring to same, she submits that two receipts for Rs.4.00 lacs each were executed by the petitioner and his son. It is clearly mentioned therein that amount had been taken for completing the job to send the complainant to Canada.

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

FIR was lodged by Mukesh Rani. She alleged that she had known the accused as she had been making certain purchases from his shop. During one such visit, co-accused Manoj Pathak introduced them to his brother namely, Manish Pathak. During conversation, a promise was held out by the petitioner that they would arrange work permit and permanent visa to settle complainant in Canada. Deal was settled at Rs.14.00 lacs, out of which Rs.8.00 lacs was paid by the complainant to Rajeshwar Pathak and Manoj Pathak. According to the investigating agency, a receipt was also executed by both the accused. A photo copy of the receipt executed by Rajeshwar Pathak has been placed on record as Mark 'A'. Allegation is that the complainant waited for considerable time for appropriate response from the accused. Instead of adhering to their compromise, they harassed the petitioner and also issued threats.

Keeping in view nature of allegations, I am of the view that petitioner is not entitled to concession of anticipatory bail.

Dismissed.

(RAJAN GUPTA)
JUDGE

December 08, 2015
'Rajpal'