

CRM-M-43610 of 2014
Date of Decision: 30.04.2015

..... Petitioner

VERSUS

..... Respondent

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

Mr. R. S. Randhawa, Addl. AG, Punjab.

Mr. Vikas Arora, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in case FIR No.12 dated 30.01.2013 registered under Sections 406, 420 IPC at Police Station City Rupnagar, Punjab.

Learned counsel for the petitioner submits that there was long and unexplained delay in the registration of FIR which cast a serious doubt in the prosecution story putforth in the FIR. He further submits that the amount allegedly paid by the complainant to the petitioner was due in favour of the petitioner as the profit earned by them in joint business. He also submits that in compliance of the order passed by this Court, petitioner has already joined the investigation and he is no more required for further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Tarlochan Singh, Police Station City Ropar, submits that a detailed inquiry has been conducted by the Superintendent of Police, Mohali which was concluded on 11.03.2015 and the allegations levelled by the complainant against the petitioner have been found to be substantiated. Petitioner has not

returned the huge amount received from the complainant to the tune of Rs.8.5 lacs. He prays for dismissal of the petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the fact and circumstances of the present case, noticed hereinabove, petitioner has not been found entitled for the concession of pre-arrest bail.

It is so said because an amount of Rs.8.5 lacs was received by the petitioner from the complainant, for sending his son to foreign country. Neither the petitioner sent the son of the complainant to foreign country nor he returned the amount of the complainant.

So far as the argument raised by learned counsel for the petitioner that the amount received by the petitioner was on account of the profit earned in the joint business is concerned, neither any statement of account nor any other relevant document have been shown to this Court to substantiate this argument. Similarly, argument of learned counsel for the petitioner that he had approached the National Consumer Dispute Redressal Commission against the complainant and the Finance Company, has been found to be without any substance and irrelevant for the purpose of the present case.

Be that as it may, without commenting any further in this regard, lest it should prejudice the rights of either of the parties, present petition is dismissed, as no case for anticipatory bail has been made out.

Dismissed.

April 30, 2015
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(RAMESHWAR SINGH MALIK)
JUDGE