In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. Nos.828 and 829 of 2015
and
Criminal Misc. No.M-44569 of 2014

.....

Date of decision:12.1.2015

Ashok Kumar

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Anil Kumar Saini, Advocate for the petitioner.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for the respondent-State.

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Inderjit Singh, J.

Cr. Misc. No.828 of 2015:

For the averments made in the criminal miscellaneous application, exemption from filing the certified copies of Annexures-P.12 to P.15 and also from filing of the true typed copies of the Annexure-P.14 and P.15 is granted.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.829 of 2015:

For the averments made in the criminal miscellaneous application, copies of Annexures P.12 to P.15 are taken on record subject to all just exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-44569 of 2014:

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.177 dated 5.11.2014 registered for the offences under Sections 406, 420 and 120-B IPC and Sections 4 and 5 of the Prize Chits & Money Circulation Schemes (Banning) Act, 1978 at Police Station Canal Colony Bathinda, District Bathinda.

Notice of motion has been issued in this case.

Mr. S.S. Chandumajra, learned Deputy Advocate General, Punjab, has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

The FIR in this case has been got registered by complainant-Lucky. The present petitioner has been named in the FIR and specific act has been attributed to him. As per the allegations, on 17.10.2013, Amandeep Singh along with Jagjit Singh, Bablu, Ashok Kumar, Chamkaur Singh alias Nikka, Bhupinder Singh and Sri Kant etc. came to his house and told that Amandeep Singh has privately opened the Branch of Live Trading India. They further told him that Amandeep Singh is having LTI No.81141 and Branch Code No.BPO 2434. Thereafter, they told him plan of Live Trading India Company by saying that in case he invests a sum of ₹One Lac in the said Company, he would get 10% interest (i.e. ₹10,000/-) every month and said interest amount would be paid for a continued period of 12 months. Then his principal amount would be returned after a gap of one month.

There is allegation that on 18.10.2013, all these persons including the present petitioner again came to his house and the complainant paid a sum of ₹One Lac to Amandeep Singh. He also stated that he started working in Live Trading India Company for Amandeep Singh. On 28.1.2014, Amandeep Singh, Bhupinder Gupta and Sri Kant came to his house and his cousin Jaswant got invested a sum of ₹3 Lacs.

A perusal of the FIR shows that a fraud has been committed. The present petitioner has actively participated in the commission of the offences. He is named in the FIR. He is required for custodial interrogation. In the facts and circumstances of the present case, nature and gravity of the offences, no case is made out for grant of anticipatory bail to the present petitioner.

Therefore, I do not find it a fit case, where the petitioner is entitled to the benefit for anticipatory bail as he is required for custodial interrogation.

Therefore, finding no merit in the present petition, the same is dismissed.

January 12, 2015. **(Inderjit Singh)**
Judge

hsp