

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

CRM-M No.7863 of 2015.

Date of Decision: April 07, 2015.

Sukhdeep Singh alias Deep Singh

....Petitioner.

VERSUS

The State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Mr. A.K. Khunger, Advocate for the petitioner.
Mr. Y.K. Gupta, Assistant Advocate General, Punjab.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.1 dated 08.01.2015 under Sections 420/120-B of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Khuian Sarwar, District Fazilka.

2. The allegations of complainant Tarsem Singh son of Darshan Singh, resident of District Ganganagar (Rajasthan), were that he was running a milk dairy and allured by Jatinderpal Singh alias Chhinda and his associates Sukhdeep Singh alias Deep Singh and Sukhwant Singh that he will be sent to Canada if he paid them Rs.20 lacs, he sold his dairy and gave

Rs.12 lacs to the said persons at village Danewala. It was agreed that he would pay Rs.15 lacs at the first instance and Rs.5 lacs out of his earnings in Canada. On demand of a receipt by his father, a cheque of Rs.12 lacs signed by Jatinderpal Singh was issued which was to be returned after he got the VISA. Neither the VISA was arranged for him nor the money or the documents given by him were returned. His enquiry further revealed that there was no money in the account of which cheque had been issued.

3. Apprehending his arrest, the petitioner filed an application for anticipatory bail which was dismissed by learned Additional Sessions Judge, Fazilka vide order dated 27.02.2015 and thereafter the instant petition invoking the provisions of Section 438 Cr.P.C. was filed.

4. Heard the submissions made by Mr. A.K. Khunger, learned counsel representing the petitioner and Mr. Y.K. Gupta, Assistant Advocate General, Punjab.

5. It was submitted on behalf of the petitioner that he had no role to play in the dealings, if any, between the complainant and Jatinderpal Singh. He was only a relative of Jatinderpal Singh and being so had signed a compromise deed executed between Jatinderpal Singh and Dalbir Singh etc. Since that compromise could not materialize and the petitioner on being approached by Dalbir Singh etc. could not persuade Jatinderpal Singh to abide by the terms and conditions of the compromise, Dalbir Singh etc. got the instant case registered against him through complainant Tarsem Singh. Learned counsel asserted that payment of Rs.12 lacs for arranging a VISA was stated to have been made two years ago before registration of the First

Information Report on 08.01.2015. Such long delay in lodging of the complaint affirmed the contention of the petitioner that a false story had been concocted to implicate him. As such, when nothing is to be recovered from the petitioner at this stage, he be given the concession of bail.

6. The petition was opposed by learned Assistant Advocate General, Punjab. He submitted that recovery of the money of which the complainant has been cheated is to be made and none out of the accused has so far been arrested. He also submitted that an inquiry was conducted into the matter by the Superintendent of Police, Fazilka and the allegations were found to be correct.

7. Apparently, there are direct allegations of fraud and cheating against the petitioner. Delay in lodging the First Information Report had been explained by the complainant in his statement. There is nothing to indicate that complainant Tarsem Singh at the instance of Dalbir Singh etc. had lodged the complaint against the petitioner. The money of which the complainant had been cheated, is yet to be recovered. Thus, in view of the facts and circumstances of the case and without going into the merits, in my considered opinion, no case of release of the petitioner on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

April 07, 2015
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