

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-13687 of 2016

Date of Decision: May 10, 2016

Sarabjit Singh son of Shri Gurbax SinghPetitioner

Versus

State of PunjabRespondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Gurcharan Dass, Advocate for the petitioner.

Mr.DS Virk, Assistant Advocate General, Punjab.

Mr.MS Sidhu, Advocate for the complainant.

<><><>

TEJINDER SINGH DHINDSA, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure seeking concession of anticipatory bail to the petitioner in case FIR No.31 dated 18.2.2016, under Sections 420/120-B of the Indian Penal Code, registered at Police Station Shimlapuri, Ludhiana.

2. Learned counsel for the parties have been heard at length.

3. FIR came to be registered at the instance of Roop Karan singh. Complainant has asserted that one Urvinder Kaur and the present petitioner were running a firm under the name &

style of Universal Star Services at Ludhiana and used to take people on tour to foreign countries and he was acquainted with them having gone on a trip to Thailand. It has been stated by the complainant that on the assurance furnished by the two afore-noticed accused, a sum of ₹25 lacs was entrusted to them and in lieu thereof, he was assured one free trip to Thailand every month and interest @ 1% per month. A sum of ₹10 lacs is also stated to have taken from Simranjit Singh i.e. brother of the complainant on the same terms.

4. Allegations, in a nut-shell, are that having adhered to the settlement for a short period of time, the promised interest income was not made over and rather even the principle amount has been mis-appropriated. Upon making repeated demands for return of money, eight cheques are stated to have issued by Urvinder Kaur. Upon presentation of the cheques, complainant came to know that instructions had been given by the accused to stop payment. Cheating, criminal breach of trust and mis-appropriation of money by way of conspiracy and in connivance with each other are the allegations raised by the complainant against the present petitioner as also co-accused Urvinder Kaur.

5. The case set up on behalf of the petitioner by learned counsel is that he has nothing to do with the Universal Star Services and the allegations in any case are targeted against Urvinder Kaur. It has further been submitted that the dispute, if any, would be civil in nature and the FIR has been lodged only to pressurize the petitioner and would be construed as an abuse of process of law. It was also contended that the petitioner is a

small time Industrialist and is running a Concern by the name of M/s Sarv Gears and Agro Industries.

6. The stand taken on behalf of the petitioner does not inspire confidence. Learned State counsel has submitted that during the course of investigation, even the statement of the owner of the premises from where Sarabjit Singh, i.e. the present petitioner, had taken the premises on rent was recorded and who stated that petitioner had kept some machines but no work was being done and even rent was not being paid. Landlord has further stated that in such situation, locks were put on the premises and thereafter Sarabjit Singh, i.e. the present petitioner, had cleared the arrears of the rent and had taken away the machines. Such statement of the landlord was read out by the learned State counsel in Court today.

7. Court has been apprised that the petitioner even otherwise does not possess clean antecedents and is involved in a number of FIRs. Learned State counsel also submits that in one of the proceedings, the petitioner having evaded the process of law has already been declared a proclaimed offender. Such assertion has not met with any rebuttal at the hands of the learned counsel appearing for the petitioner.

8. There are direct allegations against the present petitioner along with co-accused with regard to heavy entrustment of amount on the pretext of the complainant being sent abroad coupled with a high return of interest.

9. In the totality of facts and circumstances noticed hereinabove, it is a case which may require custodial

interrogation of the petitioner to unravel the truth.

10. This Court is not inclined to grant him the concession of pre-arrest bail.

11. Petition dismissed.

May 10, 2016

SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: *Whether to be referred to reporter? (Yes/No)*