

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

CRM-M-19007-2016 (O&M)
Date of decision : 08.12.2016

Brishbhan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Tarunpreet, Advocate,
for Mr. Gautam Dutt, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Sharad Aggarwal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.326 dated 18.12.2015, registered under Sections 406, 420, 467, 468, 506 and 120-B of the Indian Penal Code, (for short, 'the IPC') at Police Station City Khanna.

Learned counsel for the petitioner contends that the petitioner is neither the director, nor employee, nor investor in the firm, namely, 4S Forever Pvt. Ltd. The petitioner is a government servant. He invested the money with Ambit Corporation Ltd. On the similar allegations, an FIR was registered at Sangrur, wherein, the petitioner was found innocent (Annexure P-2).

On the other hand, learned State counsel, on instructions, submits that though the petitioner has joined the investigation, but he is not

cooperating. The recovery of the original document and huge amount has not yet been effected. It is further informed that as per the report of the handwriting expert, the receipts on behalf of the company had been signed by the petitioner. The petitioner actively assisted the co-accused in collecting the funds from complainant in illegal manner which is amply made out from FSL report and Annexure P-4 the programme conducted by the petitioner for and on behalf of the company.

Learned counsel for the complainant submits that the petitioner in involved in inducing innocent people to invest their money in the company on the pretext of higher returns. The entire amount, which is to the tune of more than Rupees three crores, was invested in the company through the petitioner.

Heard.

There are serious allegations against the petitioner of alluring members of the public to invest in the company on the pretext of lucrative returns. Allegedly, more than Rupees three crores have been misappropriated by the petitioner. Therefore, this Court feels that it is a fit case where custodial interrogation of the petitioner would be required to unearth the entire conspiracy and effect the recovery.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

08.12.2016

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No