

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

CRM-M-20532 of 2016

Date of decision : 06.06.2016

Deepak Kumar alias Deepa

..... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Mandeep Singh Sodhi, Advocate for petitioner.

DARSHAN SINGH, J.

The present petition has been preferred by petitioner Deepak alias Deepa under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.151 dated 29.12.2015 under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'the IPC') Police Station Bassi Pathana, Distt. Fatehgarh Sahib.

2. Learned counsel for the petitioner contended that the allegations against the petitioner are that he has introduced the complainant with one Sanjiv Kumar. There are no allegations that present petitioner had

derived any pecuniary benefit. No money was entrusted by the complainant to the petitioner. No recovery is to be effected from his possession. He is ready to join the investigation. So, he deserves the concession of anticipatory bail.

3. I have duly considered the aforesaid contentions.

4. As per the prosecution allegations, complainant Jasbir Kaur was known to the petitioner. She had a talk with the petitioner with respect to the legal rights of her grand-daughter. Petitioner introduced the complainant with co-accused Sanjiv Kumar (non-applicant) and said that he is a practising advocate in Punjab and Haryana High Court, Chandigarh. He further stated that he along with Sanjiv Kumar will get provided all the rightful privileges to her grand-daughter. The present petitioner gave her full assurance that Sanjiv Kumar will take full responsibility for all the affairs. It is further alleged that Rs.7,00,000/- were taken from the complainant by Sanjiv Kumar saying that the money is required to be used in the High Court for getting her work done. Later on it was revealed that co-accused Sanjiv Kumar is in fact not an advocate. Thus, on the basis of the complaint made by Jasbir Kaur, the case has been registered under Sections 406 and 420 IPC against the petitioner and his co-accused.

5. The application moved by the petitioner for grant of anticipatory bail has been dismissed by the learned Additional Sessions Judge, Fatehgarh Sahib vide order dated 21.05.2016. Hence this petition.

6. The Hon'ble Supreme Court in case ***Jai Parkash Singh Vs. State of Bihar and another 2012(2) RCR (Criminal) 251*** has laid down

that the anticipatory bail should not be granted as a matter of rule. The anticipatory bail being an extra ordinary privilege should be granted only in exceptional cases. It can be granted where the Court is *prima facie* of the view that petitioners have been falsely enraptured in the crime.

7. In the instant case, petitioner Deepak alias Deepa is rather the main accused. He was already known to the complainant and it was he who had introduced the complainant to co-accused Sanjiv Kumar stating him to be a practising advocate in Punjab and Haryana High Court, Chandigarh and to get granted all the rights and privileges of her grand-daughter. They have also extorted a sum of Rs.7,00,000/- from the complainant. Thereby, as per the allegations the present petitioner in connivance with his co-accused has cheated the innocent lady who was fighting for the legal rights of her grand-daughter. The person indulging in such activities does not deserve the extra ordinary privilege of the anticipatory bail.

8. Thus, keeping in view my aforesaid discussion, the present petition being without any merits is hereby dismissed.

06.06.2016
sunil yadav

(DARSHAN SINGH)
JUDGE