

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20626 of 2016

Date of Decision:07.06.2016

Iqbal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE DARSHAN SINGH.

**Present: Mr.Gulzar Mohd., Advocate,
for the petitioner.**

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

DARSHAN SINGH, J.(Oral)

The present petition has been filed by petitioner Iqbal Singh, by invoking the provisions of Section 438 of the Code of Criminal Procedure, 1973, for the grant of anticipatory bail in case FIR No.208 dated 24.10.2011 under Sections 406, 420 and 120-B IPC, Police Station Bhargo Camp, Jalandhar.

2. As per prosecution allegations, accused petitioner Iqbal Singh along with his companions extorted a sum of ₹22,15,000/- from complainant Rajinder Pal Singh on the pretext of sending his son Jatinderpal Singh to America via Argentina. He also assured that his cousin brother Ravinder Singh is a permanent resident of Argentina and he will make the arrangement for his son to get job and permanent residency.

But the son of the complainant was caught while crossing the border and

put in jail in Texas State.

3. The application for anticipatory bail moved by the petitioner was dismissed by the learned Additional Sessions Judge, Jalandhar. Hence, this petition to this Court.

4. Learned counsel for the petitioner contended that no criminal offence is made out against the petitioner. Even, as per allegations in the FIR, the petitioner has agreed to return the money, in case, the son of the complainant could not be sent to America. He further contended that there was an illegal agreement which was not legally enforceable. So, in order to harass and pressurize the petitioner, the present case has been got registered by the complainant in collusion with the police. He contended that the petitioner is ready to join the investigation as and when required. So, he deserves the concession of anticipatory bail.

5. I have duly considered the aforesaid contentions.

6. The Hon'ble Apex Court in case **Jai Parkash Singh Versus State of Bihar and another etc.** 2012(2) RCR (Criminal) 251 has laid down that the anticipatory bail cannot be granted as a matter of rule. The anticipatory bail being an extra-ordinary privilege should be granted only in exceptional cases. It can only be granted where the Court is prima facie of the view that petitioners have been falsely implicated in the crime.

7. In the instant case, there are specific allegations against the petitioner that he has received a sum of ₹22,15,000/- from the complainant on the pretext of sending Jatinderpal Singh, son of complainant Rajinder Pal Singh to America via Argentina. Some of the amount was even paid through cheque. Even a written agreement was reduced into writing. But instead of sending the son of the complainant to America in a legal manner,

he was sent illegally and was caught while crossing the border. He was even put in the jail in Texas State.

8. In view of these categoric allegations against the petitioner, he has failed to make out an exceptional case for the grant of extra-ordinary privilege of the anticipatory bail.

9. Consequently, the present petition has no merits and the same is hereby dismissed.

June 07, 2016
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(DARSHAN SINGH)
JUDGE