

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

(202)

CRM-M-21304-2016

Decided on: September 26, 2016.

Kulwant Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Akshay Kumar Goel, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Ms. Daljit Kaur, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Kulwant Singh alleging that the petitioner in connivance with other accused, has duped the complainant of a sum of Rs.92 lacs by inducing the complainant to part with money with a promise that his cousin Gurmeet Singh and brother Kirandeep Singh would be sent abroad. On account of petitioner having not fulfilled the said promise, the complainant had been cheated. The allegation against the petitioner is that he had promised the complainant that some girls from abroad are seeking boys for getting marriage by going abroad.

The petitioner mainly relies upon complaint Annexure P-1 filed by Balwinder Singh father of complainant Kulwant Singh on 09.05.2015 wherein the allegation is only to the extent of Rs.37 lacs having been paid by him.

Learned counsel for the petitioner has argued that the allegations regarding payment of money are vague and no specific day, date or time of entrustment when money had been parted with, has been mentioned. It has been further argued that complaint regarding cousin of Gurmeet Singh is an exaggeration, as in the original complaint, no reference has been made for arranging any girl for Gurmeet Singh. On the basis of patent and false allegations, the petitioner claims that he should be granted the concession of bail.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail on the ground that the petitioner happens to be in the distant relationship of the complainant so the complainant had been waiting for a long duration, on the basis of false promises to him, to return the money. It has also been argued that there is a video recording made available regarding the petitioner admitting to have received money with promise to return the same.

With the assistance of learned State counsel, I have gone through the police record produced by ASI Sukhwinder Singh.

Perusal of the record indicates that a CD has been taken into possession and the evidence regarding complainant having arranged money and handed over the same to the petitioner, has been collected. The FIR in the present case was registered after the matter was thoroughly inquired through Economic Offences Wing, Ludhiana. The complainant appears to have sold his property of a sum of Rs.37 lacs to Baljinder Singh on 23.01.2012 besides other sale deed dated 08.05.2013 in favour of Gurmeet Singh.

It is apparent that the complainant had resources to pay the money and that he has been duped by the petitioner. It is irrelevant on the basis of application Annexure P-1 whether the amount paid was Rs.37 lacs or Rs.92 lacs as there is overwhelming evidence collected during course of investigation, pointing prima facie to the culpability of the petitioner.

No ground is made out to grant concession of pre-arrest bail to the petitioner.

The petition is dismissed. Interim order dated 16.06.2016 is hereby vacated.

(M.M.S. BEDI)
JUDGE

September 26, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No