

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-25017 of 2016

Date of Decision: 07.12.2016

Balwant Kumar @ Walaiti

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Saurabh Arora, Advocate
for respondent no.2.

HARI PAL VERMA, J.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner namely Balwant Kumar @ Walaiti in case FIR No.58 dated 18.5.2016 under Sections 420, 406 IPC registered at Police Station Division No.2, District Pathankot.

Learned counsel for the petitioner has argued that the petitioner is not named in the FIR and except bald assertions, there is nothing material against him. He has further submitted that the main accused in the case has already been granted the concession of anticipatory bail by the Court of learned Additional Sessions Judge, Pathankot, as the

matter relates to some local committees (money collection). He has further argued the money generation schemes have totally been banned by the Government and without sanction under the Money Lending Act, nobody can run such type of business.

On the other hand, learned State counsel has argued that the allegations, as made in the FIR, are serious, as the petitioner, who was having three committees with the complainant, amounting to Rs.2 lakhs, Rs.1 lakh and Rs.10 lakhs, picked up the same at preliminary stage from time to time, but he stopped paying the instalments of the said committees. In this manner, a total sum of Rs.13,87,320/- is due to be paid by the petitioner.

I have heard learned counsel for the parties.

The police has enquired into the matter and it has been revealed that the petitioner in consultation with other co-accused had started committees with the complainant in the year 2010. The committees kept on running smoothly till the year 2013, but in the year 2014, the petitioner with a mala fide intention, picked up all the committees, at loss, by offering bids with an assurance that he will continue to pay and contribute the remaining dues, but later on, he did not pay the due instalments of the committees. In this manner, the complainant was put to great financial loss.

In view of the gravity of offence committed by the petitioner, whereby it is alleged that an amount of Rs.13,87,320/- is due to be paid by the petitioner, which he is not returning back to the complainant, no ground for anticipatory bail is made out.

Accordingly, the present petition is dismissed.

December 07, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No