

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

CRM-M-27858 of 2016.
Decided on:-29.08.2016.

Om Parkash.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

Mr. Deepender Singh, Advocate
for the complainant.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 438 Cr.PC for grant of anticipatory bail in case FIR No.539 dated 13.7.2016 under Sections 420, 406, 506 and 120-B IPC registered at Police Station Camp Palwal, District Palwal.

The aforesaid FIR was registered at the behest of complainant Sukhbir Singh son of Narayan Singh, resident of Civil Line-2, Palwal for committing fraud worth crores of rupees. As per the FIR, the complainant and other aggrieved persons trusted the accused who with their family members formed a group society and on the pretext of making double the

money, received an amount of Rs.10 crores from the complainant and other aggrieved persons. The accused have issued receipt by putting their signatures on simple papers. The fact that the accused have no registered firm was never disclosed to the petitioner or other aggrieved person. The accused have fled away from the city Palwal after receiving/collecting around Rs.40-50 crores from the innocent persons. After collecting the money, the accused have purchased plots, house, petrol pump, jewellery, bank balance etc. in the name of sister, brother-in-law (Jija), brothers and other relatives. However, when the complainant visited the accused seeking return of money, then the accused not only abused, rather, extended threat to the complainant. It has been alleged that the petitioner Om Parkash @ Baba Ji is a Tantrik, who threatened to set ablaze the complainant and his family members by means of Black Magic (Tantra Vidya).

Learned counsel for the petitioner has argued that the petitioner is innocent and has falsely been implicated in the case. The alleged role of the petitioner is limited to the effect that when the complainant visited the house of main accused Rambir, petitioner Om Parkash scolded the complainant that he is a Tantrik and would reduce the complainant into ashes. Except this, there is no allegation against the petitioner and even this allegation has been levelled at the behest of real brother of the complainant, namely, Bharat Pal against whom the petitioner has got registered a case FIR No.263 dated 19.5.2014 under Sections 323 and 506 read with Section 34 IPC at Police Station, City Palwal.

Learned counsel for the petitioner has further contended that the petitioner is a saint and is residing in Ashram at Barsana (Mathura) whereas earlier, he was residing at village Agwanpur, Tehsil and District Palwal, thereafter, he shifted to District Palwal. The name of petitioner has been deliberately got mentioned by brother of Bharat Pal against whom the aforesaid FIR No.263 dated 19.5.2014 has been registered. The brother of complainant is very influential person and is misusing his position and relations.

On the other hand, learned State counsel as well as learned counsel for the complainant have opposed the present petition by arguing that the petitioner along with other co-accused have collected huge amount i.e. Rs.40-50 crores from innocent people on the pretext that they will double the amount. Now, what to talk of double the amount, even the actual amount is not being refunded.

I have heard learned counsel for the parties.

The contents of FIR show that there are specific allegations against the petitioner-accused. He along with other co-accused has collected a huge amount from innocent persons. When the complainant and other aggrieved persons have come forward to seek refund of their amount deposited with the petitioner and other co-accused, they have been extended threat to the innocent people.

Considering the nature of allegations and the fact that a huge amount has been collected by the petitioner and other co-accused, this Court

does not find any merit in the present petition for anticipatory bail and the same is, accordingly, dismissed.

August 29, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No