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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35770-2016

Date of decision-06.10.2016

Shiv Singh @ Shindu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S.Jaswal, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

By way of present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.204 dated 05.09.2015, registered under Sections 420 and 120-B of the Indian Penal Code (in short 'IPC') at Police Station Jandiala Guru, District Amritsar.

It is contended by learned counsel for the petitioner that the petitioner is not a travel agent and he has not received a single penny from the complainant. Earlier, a complaint against the petitioner and his family members was withdrawn by the complainant. He also refers to the letter of Incharge, E.O Wing dated 16.10.2014 stating that the matter has not been compromised between the parties.

Heard.

The allegations against the petitioner are that he received ₹8 lacs from the complainant on the pretext of sending his son to Germany. On 01.06.2011, complainant had given ₹2.5 lacs to the petitioner. However, the

son of complainant was sent to Kenya where one Ashok Kumar, agent, met the complainant's son and asked him to get the complainant to arrange the balance amount of ₹5,50,000/-. Thereafter, the remaining amount was also paid to the petitioner. However, since his visa to Germany could not be arranged, the son of the complainant was sent back to India. Out of total amount of ₹8 lacs, the accused had returned ₹2,25,000/- and had promised to return the remaining amount. But accused did not honour their promise. Thus the amount of ₹5,75,000/- is yet to be recovered from the petitioner and his co-accused.

Keeping in view the seriousness of allegation in nature, no case for grant of concession of anticipatory bail to the petitioner is made out.

Consequently, bail application stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

October 06, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No