

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

(217)

CRM-M-39388-2015

Decided on: January 28, 2016.

Jagjit Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. G.S. Nahel, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Shakinderpal Singh Chakkal, 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 Hardip Singh alleging that the petitioner in connivance with other co-accused had allegedly duped the complainant of sum of Rs.20 lacs. He received the money on the pretext of sending the complainant to Canada on work permit. His passport had also been taken. The petitioner is alleged to have issued a cheque worth Rs. 10 lacs in favour of the complainant as security.

Learned counsel for the petitioner has contended that as a matter of fact the petitioner had taken a loan from Gagandeep Singh and he had issued a blank cheque for security purposes by signing the same. He has further argued that a photocopy of the blank cheque signed by the petitioner had been retained. The same has been shown to the Court.

With the assistance of learned State counsel as well as learned counsel for the complainant, I have gone through the police record brought by ASI Vijay Pal Singh.

The main contention of counsel for the petitioner is that the petitioner did not indulge in any activity of traveling agency but during course of investigation it is transpired that he along with his brother had been running a travel agency under the name and style of Guru Global Consultancy Services.

I have considered the plea of the petitioner that he owed sum of Rs.5 lacs to Gagandeep Singh and that he had issued a blank cheque which has been handed over by Gagandeep Singh to the complainant with an objective to harass the petitioner.

I have carefully considered the said contention and I am of the opinion that the defence put forth at this stage, is not plausible as the person named by the petitioner i.e. Gagandeep Singh is also an accused in the present case.

I have also made an attempt to determine if the complainant had capacity and resources to pay the amount. There is prima facie positive material in that context also.

The brother of the petitioner namely Gurinder Singh named in the FIR is stated to have gone abroad and has not yet been arrested.

Circumstances of the case, above noticed do not warrant grant of pre-arrest bail, as no extraordinary exceptional circumstance is found to exist to grant the concession of pre-arrest bail to the petitioner.

Petition is dismissed without prejudice to the right of the petitioner to seek concession of regular bail in accordance with law.

Nothing said in this order will prejudice the right of the petitioner and it is expected that it will be decided independent of any reasoning mentioned hereinabove.

(M.M.S. BEDI)
JUDGE

January 28, 2016
harsha