

Sr. No. 110

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M- 7148 of 2016 (O&M)
Date of Decision: 27.02.2016

Nishan Singh Brar

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ishan Gupta, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA. J (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory to the petitioner in case FIR No.174 dated 04.07.2015, under Sections 420, 406, 120-B of Indian Penal Code and Sections 3, 4, 5 of Prize Chit and Money Circulation Scheme (Banning) Act 1978, registered at Police Station City Barnala.

Counsel for the petitioner has been heard at length and the pleadings on records have been perused.

Perusal of the FIR would reveal that FIR came to be registered on the allegations that Sunil Singh and Yashpal Singh @ Palli have started a Firm in the name and style of Desire Group in Barnala. A large number of members were enrolled with a token sum of Rs.1000/- each and with the promise that they would be paid Rs.12,000/- or given shopping facilities to the same extent.

It so transpires that during the course of investigation, it surfaced that even the present petitioner was a partner in the Desire Group.

It would be apposite to note that petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail on behalf of the co-accused Yashpal Singh @ Palli i.e. CRM No. M-37339 of 2015 came up for hearing before this Court on 15.01.2016 and whereupon State counsel who was upon instructions from ASI Dharam Pal had apprised the Court that apart from the complainant, statements of 19 other similar investors had been collected and who also claimed that they had been duped in a similar fashion. List of such 19 investors was furnished in Court and the same was taken on record in that case and was even furnished to the counsel for the petitioner therein i.e. Mr. Ishan Gupta, Advocate who is also a counsel in the present matter. At that point of time, an undertaking had been furnished by the counsel that a sum of Rs.2,28,000/- would be deposited with the Investigating Officer within a period of two months so as to satisfy the claim of the complainant as also identically situated investors.

On the strength of such undertaking having been furnished, the interim protection as regards arrest that had been granted to co-accused Yashpal Singh was extended by this Court.

During the course of arguments today, counsel would concede that the undertaking has not been fulfilled and the requisite amount has not been deposited.

Even though the undertaking had been furnished on

behalf of Yashpal Singh @ Palli, the allegations against the present petitioner are on identical/similar footings.

In view of the allegations raised against the present petitioner, this Court does not find any infirmity in the order dated 12.01.2016 passed by the learned Additional Sessions Judge, Barnala declining the concession of pre-arrest bail to the petitioner.

Petition is dismissed.

27.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**