

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

CRM-M No. 7223 of 2016 (O&M)

Date of Decision: 31.03.2016

Ashwani Kumar and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by SI Satinder Pal Singh.

Mr. Ashish Aggarwal, Advocate
for the five victims.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 438 Cr.P.C. on behalf of the accused persons, namely, Ashwani Kumar, Gaurav Bhandari and Kamal Pal (petitioner Nos. 1 to 3, respectively, herein) is for grant of anticipatory bail in case FIR No. 153, dated 27.10.2015, for offences punishable under Sections 419, 420, 467, 468, 471, 473 and 120-B of the Indian Penal Code, registered at Police Station Gharinda, District Amritsar Rural.

Allegation against present three petitioners and three other non-applicants/co-accused, namely, Ranjit Singh alias Billu, Vikas Sharma and Sunil Kumar alias Latu, are that they were involved in impersonating as Army Officers with fake stamps of Military Department and would cheat unsuspecting persons by receiving huge amounts on the pretext of securing them jobs in the Military. They are also alleged to be using vehicles with false and fake documents and fake number plates.

Main basis of seeking anticipatory bail is a compromise having been effected with five persons, who had filed their complaints in that regard leading to lodging of the aforesaid FIR.

It is stated that the petitioners have joined investigation and cooperated.

Mr. Ashish Aggarwal, counsel for the said five victims submits that the compromise has been effected whereby their amounts have been refunded.

Learned State Counsel, assisted by SI Satinder Pal Singh submits that although the petitioners have joined the investigation, however, their custodial interrogation are required to unearth their modus operandi and identify other such victims apart from recovery of the articles, vehicles etc. He further submits that the present three accused/petitioners are habitual offenders, as there are five other cases of similar nature filed against Ashwani Kumar (petitioner No. 1), ten cases against Gaurav Bhandari (petitioner No. 2) and two cases against Kamal Pal (petitioner No. 3).

At this stage, learned counsel for the petitioners submits that the petitioners have been falsely implicated merely on the disclosure statements of the three co-accused persons apprehended at the spot.

In response, learned State Counsel, submits that there is no question of false implication and keeping in view the involvement of the petitioners in the stated cases, coupled with the disclosure statements of the co-accused persons, for the purpose of proper and fair investigation, the said material is sufficient to rely upon. He further submits that apart that, there are three other victims with whom no compromise has been effected.

In view of above and keeping in view the nature and gravity of the offence, no case for grant of anticipatory bail is made out.

Accordingly, the present petition stands dismissed.

March 31, 2016

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**(JASWANT SINGH)
JUDGE**