

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

Date of Decision-31.05.2017

1. CRM-M No.15404 of 2017

Harjit Kaur	... Petitioner
Versus	
State of Punjab	... Respondent

2. CRM-M No.15406 of 2017

Kulwinder Singh @ Romi	... Petitioner
Versus	
State of Punjab	... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Bajaj, Advocate
for the petitioner(s).

Mr. P.S. Ghuman, Addl, AG, Punjab.

Mr. Lekh Raj Sharma, Advocate and
Mr. Sandeep Arora, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Vide this common order, CRM-M No.15404 of 2017 titled Harjit Kaur Vs. State of Punjab and CRM-M No.15406 of 2017 titled Kulwinder Singh @ Romi Vs. State of Punjab are being disposed of. Facts are being taken from CRM-M No.15404 of 2017.

[2]. Prayer is for grant of anticipatory bail in case bearing FIR No.27 dated 15.03.2017 registered under Sections 406, 420, 506 IPC at Police Station Division No.4, District Jalandhar.

[3]. The FIR was registered against the petitioners by the complainant with the allegations that they were having friendly relationship for the last many years. Petitioners are running a firm in the name and style of M/s Reejewal Investment. They have also other firms namely M/s Aarhdeep Finance Company and Harjit Sales Corporation to their credit. They used to do work of finance and investment in different fields. On 10.05.2016, both the accused/petitioners came to the complainant and forced him to invest money in their firms by alluring him that Georgian Government has launched a new policy under which the Government wants to develop agricultural sector of the country. Under the said policy, Government is selling land at lower prices to the people of other countries in order to enhance agriculture pursuits. Georgia is member of European Union and in the near future, there is every likelihood of country being part of Seenegan. The accused also showed some policies of the Government of Georgia to the complainant in the context of promoting agriculture sector. The accused also allured that in case the complainant purchases 45 hectares of land for agriculture purpose in the villages adjoining to the capital of Tabilisi, the same shall be very profitable venture. The Government will grant PR (Permanent Resident) of Georgia and

the same shall be part of European Union in the due course. The accused/petitioners also showed some documents as per which the company of the accused/petitioners entered into some agreements with some companies of Georgia. Complainant further alleged that the accused/petitioners called up Director of Georgian Company from his phone who allegedly verified input as projected by the accused/petitioners. In this background, complainant gave his consent for investment of money due to full assurance shown by the accused/petitioners. The payments were allegedly made to the accused/petitioners and the total amount involved is Rs.10,50,000/-.

[4]. Learned counsel for the petitioners submitted that in fact the complainant is involved in kitting transaction with the petitioners and on account of dispute on that premise, the present FIR has been registered which is nothing, but a farce.

[5]. The status report filed by the State points out that a complaint dated 20.03.2017 was filed by Tarsem Singh against the petitioners and daughter of the petitioners namely Bavneet Kaur for committing a fraud of Rs.2,00,000/- in respect of inducement made by the accused to invest the amount with their company i.e. M/s Reliable Investment Company. The said complaint is pending for approval of lodging the FIR against the petitioners. Another complaint dated 27.03.2017 was filed by Sandeep Kumar against the petitioners for committing fraud in a

sum of Rs.10,73,667/- by inducing Sandeep Kumar on account of purchase of gold ornaments weighing 336 Gms. 570 Mg. The petitioners promised that they will purchase the gold ornaments after showing and discussing with their family members. Petitioners did not return the gold ornaments, nor paid the price thereof. The said complaint is also pending for inquiry before the Economic Offence Wing (City) Jalandhar. Yet one more complaint dated 13.04.2017 was filed by Pushpa Rani against the petitioners, Bavneet Kaur (daughter of the petitioners) and Ravinder Pal Singh for committing fraud of Rs.60,000/- by inducing Pushpa Rani to invest money in their investment company running in the name and style of M/s Reliable Investment Company. The said complaint is also pending for consideration before the Economic Offence Wing (City), Jalandhar. One more complaint dated 13.04.2017 was filed by Monika against the petitioners, Bavneet Kaur (daughter of the petitioners) and Ravinder Pal Singh for committing fraud in a sum of Rs.60,000/- by way of inducing Monika to invest money in their investment company. The said complainant is also under inquiry of Economic Offence Wing (City), Jalandhar. The police has also referred to complaint dated 13.04.2017 filed by Seema for committing fraud in a sum of Rs.60,000/-, complaint dated 11.05.2017 filed by Harish Kumar for committing fraud in a sum of Rs.95,000/-, in which complicity of the petitioners were shown and those complaints are pending before the Economic Offence

Wing (City), Jalandhar. In all, these complaints are statedly pending before the police in which inquiry is pending. Petitioners have not joined the proceedings despite notice issued to them under Section 160 Cr.P.C and have not cooperated with the police.

[6]. Learned counsel for the petitioners highlighted that petitioner Harjit Kaur has admitted in the previous bail application filed for anticipatory bail that her husband Kulwinder Singh @ Romi is involved in business of finance and complainant K.K. Gupta has invested his amount in his finance business and against the said financed amount the complainant had taken some blank signed cheques from Kulwinder Singh @ Romi for the purpose of security and later on, Kulwinder Singh @ Romi had returned all the amount invested by the complainant to the complainant in the presence of Satinder Pal Singh Bindra and Ravinder Pal Singh. The cheques were not returned despite assurance and the complainant on concocted basis moved false complaint before the police.

[7]. By relying upon the contents in terms of para No.2 of the first bail application filed by petitioner Harjit Kaur, learned counsel for the complainant highlighted that the factum of running a finance business by the petitioners is an admitted fact. The dealing with the complainant is also an admitted fact. This contention has been refuted by learned counsel for the

petitioners by asserting that at the time of filing of aforesaid bail application, the factum of lodging of FIR and contents of different complaints were not known to the petitioners.

[8]. At this stage, there cannot be any meticulous examination of rival pleas raised by both the parties. The allegations are serious in nature for which extraordinary remedy in terms of Section 438 Cr.P.C cannot be invoked. The opportunity given to the parties to settle the issue outside the Court yielded no result.

[9]. In view of above, no case is made out to grant concession of anticipatory bail to the petitioners. These petitions are accordingly dismissed.

[10]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

31.05.2017
Prince

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No