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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16383-2017 [O&M]

Date of Decision:- October 4th, 2017

Parashant Kamboj

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sandeep S. Majithia, Advocate,
for the petitioner.

Mr. A.S. Sandhu, Addl.A.G., Punjab,
for the respondent State.

Mr. Kunal Viyak, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 438 of Code of Criminal Procedure [Cr.P.C.] for grant of pre-arrest bail to the petitioner in case, bearing FIR No. 487 dated 23.12.2016, registered under Sections 420 and 120-B IPC, at Police Station - A-Division, Amritsar District Amritsar.

2 Facts relevant for the purpose of decision of present controversy; that complainant, Paramjit Singh got registered the present FIR on the ground that he had deposited a sum of Rs.20,000/- on 27.11.2015 and paid fabulous amount to Jatinder Kumar for sending Amarjit Singh abroad. The above said amount of Rs.20,000/- was deposited in the account by Paramjit Singh. A sum of Rs.8.00 lacs was to be paid and the complainant paid Rs.40,000/- on 19.8.2014; Rs.10,000/-

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on 22.8.2014; Rs.49,000/- on 9.10.2014; Rs. 2.00 lacs on 10.10.2014 and the said amounts were deposited in the bank account in the name of Jatinder Kumar. However, Jatinder Kumar did not get the visa sanctioned. The amount was demanded back from Jatinder Kumar, but only part amount was re-paid. The payments were made to Jatinder Kumar and Parshant Kamboj, present petitioner as well.

3 Learned counsel for the petitioner mainly contended that the petitioner was not involved in the present case as the alleged payments were made to Jatinder Kumar only and not to the present petitioner. The petitioner is ready to join the investigation. So the present petition be accepted and the petitioner be released on pre-arrest bail.

4. Learned State counsel as well as learned counsel for the complainant opposed the application for pre-arrest bail and contended that the petitioner is required for custodial investigation as the amount was paid to the present petitioner as well. A cheque for a sum of Rs.4.00 lacs was deposited in the account of the present petitioner on 9.10.2014 and after withdrawal of the amount on the same day, the petitioner transferred a sum of Rs.2.00 lacs to the account of co-accused Jatinder Kumar on 10.10.2014 whereas, balance amount of Rs.2.00 lacs was again deposited in his own account. The entire matter requires proper investigation and the present application be dismissed.

5. Having considered the submissions made by learned counsel for the parties and the fact that hefty amount has been paid to the present petitioner as well as co-accused Jatinder Kumar, and the entire matter requires custodial investigation, no case is made out for grant of pre-

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arrest bail to the petitioner.

9. The present petition stands dismissed.

October 04, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned	Yes
Reportable	No