

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

**Crl. Misc. No.M-18271 of 2017 (O&M)
Date of Decision: August 18, 2017**

Des Raj

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. SPS Sidhu, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.146 dated 23.12.2016 registered for the offences punishable under Sections 420 and 120-B of Indian Penal Code at Police Station City Jalalaband.

Heard.

As per case of the complainant Paramjit Singh, Chhinder Pal @ Pindi, who was resident of his village met him and told him that other accused named by him in his complaint, namely Rakesh Kumar (petitioner), Kala Singh, Harnek Singh, Kuldeep Singh, Darshan Singh, Lal Singh, Parkash Singh and Seema Rani, allured him with offer to double the money paid to them. Complainant got allured and paid the accused ₹7.5 lakh at the

residence of Rakesh Kumar. They gave him tea mixed with some intoxicating substance, as a result of which complainant fell unconscious and when he gained consciousness, he did not find any of the accused present at the spot. Thereafter, he inquired about residence of accused and despite several rounds to the house of petitioner Rakesh Kumar, he did not returned the amount of ₹7.5 lakh. He contacted Rakesh Kumar on phone No.9463062000 but he gave threats to the complainant.

During inquiry, police found that complainant met Chhinderpal and Kala Singh on the shop of barber in his village, who developed intimacy with him and then allured him to get his money doubled through a Baba. After some time, complainant along with that barber met Chhinderpal to contact the baba, who took him to Anoopgarh (Rajasthan), where he met Kala Singh, then both of them took the complainant to Harnek Singh Gharu @ Baba, who was residing at Anoopgarh. Thereafter, complainant met Seema Rani, who was posing as daughter of Baba Harnek Singh and Rani wife of Kala Singh and some other persons. The complainant was assured that Baba (Harnek Singh) is a great person, who will double the money of complainant. Kala Singh asked the complainant to arrange money within few days. After about 10 days, Kala Singh called complainant Paramjit Singh from his mobile phone 9876612729 and asked him to come to Jalalabad along with money. Complainant arranged 7.5 lakh and came to Jalalabad along with barber Beant Singh from where he was taken by Kala Singh to the house of petitioner. Harnek Singh @ Baba, Chhinderpal, Seema and Darshna Rani sister-in-law of petitioner and Gurdeep Singh were already present there. They all made the petitioner sit

on the ground and gave him tea mixed with some intoxicant. Thereafter, Harnek Singh, who was proclaiming that he possessed divine powers, took ₹7.5 lakh from the complainant and put the same into a tin container which was locked. They then sent the complainant to another room and in the meantime removed the entire amount from that tin container and put some other articles in it. When complainant Paramjit Singh came, he was told that his money has swelled to ₹80 lakh and he can open the tin container after three days. Paramjit took that container and reached his home at about 9.00 P.M. and when he opened the container, he found his empty bag and some other articles lying therein but there was no currency in it. After inquiry, the police registered the instant FIR.

Learned counsel for the petitioner submits that name of petitioner is Des Raj and not Rakesh Kumar, as referred in the complaint. In support of his contention, he has referred to copy of his Aadhaar Card (Annexure P-1), wherein name of petitioner is mentioned as Des Raj.

Learned State counsel submits that there is no dispute about the identity of petitioner. He has been identified by complainant. At the time of his introduction, he was introduced as Rakesh son of Munsha Singh. Complainant is resident of village Saho Ke, Bagha Purana, Distt. Moga, whereas petitioner is resident of village Chak Khiwa, Tehsil Jalalabad, Distt. Fazilka. Complainant has no reason to know him and wrongly address him as Rakesh Kumar in complaint to the police. It is nowhere the case of the petitioner that Munsha Singh father of petitioner has another son with the name of Rakesh Kumar. It is a serious case of cheating of a person by unscrupulous elements and custodial interrogation of the petitioner is

required to crack the case and also to apprehend his co-accused.

The entire incident of grabbing ₹7.5 lakh of complainant in this case has taken place at the residence of petitioner. So far as the issue of his name being Rakesh Kumar or Des Raj is concerned, the same is not relevant at this stage as the complainant could not have any reason to know his name and has addressed him with the name, petitioner was introduced to him. The father name of Rakesh Kumar is also mentioned in the complaint to the police as Munsha Singh and petitioner is son of Munsha Singh. The facts, as discussed above, prima facie reflect that petitioner and his co-accused in very planned manner first won the confidence of complainant by giving allurements to double his money and then enacted a drama to cheat him of ₹7.5 lakh.

Keeping in view the above facts and nature of offence committed by the petitioner, I do not find it to be a fit case to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

August 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No