

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM No.M-39960 of 2017  
Date of decision:30.10.2017

Darshan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Ramneek Vasudeva, Advocate  
for the petitioner.

Mr. Manreet Singh Nagra, AAG, Punjab.

Mr. Amrik Singh, Advocate  
for the complainant.

**AMIT RAWAL J. (Oral)**

This petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.89 dated 02.09.2017 under Sections 406 and 420 IPC, registered at Police Station Kiratpur Sahib, District Rupnagar.

As per the allegations in the FIR, it has been alleged that the petitioner, his mother Mohinder Kaur and Gurinder Singh son of late Sh. Sital Singh have committed cheating upon the complainant in not sending him abroad-Indonesia despite having taken a total sum of ₹27 lacs i.e. ₹10 lacs to Darshan Singh and ₹5.00 lacs to Mohinder Kaur.

Learned counsel for the petitioner submits that during the FIR,

an inquiry was conducted by DSP Headquarter, Rupnagar and the report was submitted vis-a-vis petitioner and his mother-Mohinder Kaur to that effect which reads thus:-

*“During my inquiry, no connivance (role) of Darshan Singh and Mohinder Kaur come into light opposite party Gurinder Singh has committed cheating with complainant Ajay Kumar by alluring him to send him abroad and grabbing his money and therefore, an FIR U/s 420, 406 IPC has to be registered against Gurinder Singh son of Sital Singh, Resident of village Chaklan, Tehsil Chamkaur Sahib, District Rupnagar now resident of City Jakarta, Indonesia. If agreeable, then orders be sent to S.H.O, P.S.Kiratpur Sahib for registering an FIR against Gurinder Singh son of Sital Singh, Resident of village Chaklan, Tehsil Chamkaur Sahib, District Rupnagar now resident of City Jakarta Indonesia. Report is present for further action. Sd/- DSP. Local Rupnagar.”*

Learned counsel for the petitioner further submits that petitioner is working as a driver with C.T.U. Gurinder Singh has been disowned by the mother of the petitioner in the year 2009, who is living abroad and has nothing to do with him. If at all there is some arrangement between Gurinder Singh and the complainant, the petitioner had unnecessarily been dragged into litigation being resident of India.

Counsel for the complainant submits that the petitioner had also visited Indonesia which is evident from his Passport. The aforesaid money

had been paid to the accused by raising loan from the Bank.

Counsel for the State on instructions from ASI-Inderjit Singh has shown the investigation file, whereby, the loan by Vijaya Bank had been extended to one Ramkaran. The statements of account do not show that Ramkaran, at any point of time, had handed over the money to the complainant.

It is yet to be decided whether the complainant has actually paid the amount to the petitioner or not.

Without commenting further on the merits and de-merits of the matter which may likely effect the rights of the parties, I deem it appropriate to grant concession of interim bail to the petitioner subject to following conditions:-

“In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

The petition stands disposed of.

(AMIT RAWAL)  
JUDGE

October 30, 2017

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No