

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 203

CRM-M-44214-2016

Decided on : 14.03.2017

Bikramjit Singh

..... Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anupam Singla, Advocate, for the petitioner(s).

Mr. Arshdeep S. Kler, DAG, Punjab.

Mr. Kashish Garg, Advocate, for

Mr. Sahil Khunger, Advocate, for the complainant.

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DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr. P. C., the petitioner seeks the concession of anticipatory bail in FIR No. 103, dated 20.08.2016, registered under Section 420 IPC and Section 13 of the Punjab Prevention of Human Trafficking Act, 2012, at Police Station Kotwali, Nabha, District Patiala.

The case of the prosecution is that the petitioner alongwith co-accused Mohd. Hanif extracted Rs. 8,50,000/- from the complainant on the pretext of getting the complainant's son to permanently settle in Australia. However, after having accepted part payment, the complainant's son was taken by the petitioner and his co-accused to Bangkok from where he was brought back to India. While the petitioner was there in Bangkok alongwith the complainant's son, the complainant was asked to deposit the balance amount of Rs. 3,25,000/- in the account of the petitioner which he did.

After the return of the petitioner alongwith the complainant's son from Bangkok to India, the petitioner not only backed out of his promise to send the complainant's son to Australia but he also refused to return Rs. 8,05,000/- out of the total extracted amount of Rs. 8,50,000/-.

Seeking anticipatory bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in the present case; only a part of the total amount of Rs. 8,50,000/- is alleged to have been paid to the petitioner out of which he has already returned Rs. 45,000/- and that under the interim orders passed by this Court, the petitioner has joined investigation.

Learned State counsel, on instructions from HC Suresh Kumar, submits that the petitioner in spite of having been summoned by the police has not joined investigation; there are two other FIRs pending against him being FIR No. 120, dated 13.10.2012, registered under Sections 406, 420 and 506 IPC, at Police Station Kotwali, Nabha, District Patiala and FIR No. 88, dated 05.09.2016, registered under Section 174-A IPC at Police Station Sadar, Nabha; in FIR No. 120, dated 13.10.2012, the allegations against the petitioner are similar as in the present case and thus, it is clear that the petitioner is habitually indulging in such offences and FIR No. 88, dated 05.09.2016 was lodged against the petitioner on having been declared as a proclaimed offender in a complaint filed against him under Section 138 of the Negotiable Instruments Act, 1881. It is, therefore, submitted that the petitioner does not deserve to be granted the concession of anticipatory bail.

A perusal of the present petition shows that in the same the petitioner has suppressed the factum of the pendency of the afore-referred

two FIRs as also the criminal complaint under Section 138 of the Negotiable Instruments Act, 1881, pending against him. In my opinion, while seeking anticipatory bail, such information was material as it would throw sufficient light on the petitioner's antecedents. Thus, it can safely be held that the petitioner has not approached this Court with clean hands and on this ground itself the present petition is liable to be dismissed.

Even otherwise, the petitioner is involved in two other FIRs one of which was lodged in the year 2012 in which the allegations against the petitioner are similar as in the present case of having accepted money on the pretext of sending a person abroad and the other FIR has been lodged against him on the ground of him being declared a proclaimed offender.

While on bail in FIR No. 120, dated 13.10.2012, the petitioner is alleged to have committed offences on the basis of which the present FIR has been lodged. He has, thus, misused the concession of bail granted therein.

The police is required to investigate whether the petitioner has duped more persons in a similar manner as he has allegedly defrauded the complainant in the present case as also the complaint in FIR No. 120, dated 13.10.2012. Large amounts of money are alleged to have been paid to the petitioner which are yet to be recovered.

In view of the above facts, I am of the opinion that custodial interrogation of the petitioner is warranted.

Resultantly, the present petition is dismissed.

14.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No