

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-44383 of 2016 (O&M)
Date of Decision: 10.01.2017

Baljit Singh @ Sanju

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Verma, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Ms. Hemlata Thakur, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.84 dated 12.08.2016 under sections 406, 420 IPC, registered at Police Station, Sadar Nabha District Patiala.

Counsel for the parties have been heard.

Briefly noticed, FIR in question came to be registered on the complaint of Paramjit Kaur wife of Tehal Singh. Allegations in a nutshell are that the complainant had been duped of a sum of Rs. 30 lacs by the main accused i.e. Mohinder Kaur as also the present petitioner on the pretext of sending son of the complainant to a foreign land i.e. Canada. Precise allegation qua the present petitioner is that out of the total sum of Rs. 30 lacs, Rs. 8 lacs was entrusted by the complainant to the petitioner.

Counsel appearing for the petitioner would place heavy reliance on a complaint dated 19.09.2016 appended as Annexure P-2 along with the instant petition to contend that the petitioner himself is a victim inasmuch as a sum of Rs. 12 lacs had been paid by him to the main accused Mohinder

Kaur to facilitate his settling abroad. It is however conceded that the amount of Rs. 8 lacs had been received by him from the complainant Paramjit Kaur but that was only towards part return of Rs. 12 lacs that the petitioner himself had paid to Mohinder Kaur.

The version being put forth on behalf of the petitioner does not inspire confidence. The receipt of Rs.8 lacs from the complainant has not been denied. The FIR in question was registered on 12.08.2016 on the complaint made by Paramjit Kaur. The version being set up on behalf of the petitioner is on the strength of a complaint at Annexure P-2 which was lodged later in point of time. This Court would be constrained to observe that prima facie the complaint dated 19.09.2016 (Annexure P-2) lodged by the petitioner appears to be an after thought and to explain the receipt of Rs.8 lacs from the complainant Paramjit Kaur.

The instances of innocent people being duped of their hard earned money on the pretext of being sent abroad is on the rise. These are allegations which require a detailed investigation and probe.

In my considered view, it is a case where custodial interrogation of the petitioner may well be warranted. This Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

Petition, accordingly, is dismissed.

It is, however, made clear that the observations contained in this order are confined only as regards considering the prayer of the petitioner for anticipatory bail and would have no bearing on the merits of the case.

(TEJINDER SINGH DHINDSA)
JUDGE

10.01.2017

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Whether speaking/reasoned: Yes
Whether Reportable: Yes