

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

**Criminal Misc. No. M-44593 of 2016
Date of Decision:-10.11.2017**

Harinder Singh Bhatia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. P.S. Sullar, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Arvinder Arora, Advocate
for the complainant.

FATEH DEEP SINGH J.

The allegations against the petitioner-Harinder Singh Bhatia in this anticipatory bail application under Section 438 Cr.P.C. in case FIR No.95 dated 02.5.2016, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Naraingarh, District Ambala, are that he has misrepresented and in a fraudulent manner duped the complainant Gurcharan Singh on the pretext of getting his son Sukhwinder Singh recruited in the Indian Army and in the process he has taken Rs.7,00,000/- leading to registration of the present FIR.

The contentions of learned counsel for the petitioner are that

initially the petitioner had also lodged an FIR regarding fraud against Kamlesh Rani, who in fact has cheated the petitioner and the complainant including others and that there is no specific role attributed to the petitioner in the commission of crime and nothing is to be recovered from him.

Learned State counsel has stoutly opposed the grant of bail on the ground that petitioner is a clever person and with a deceptive mind has fraudulently got registered initial FIR against Kamlesh Rani to thwart any effort of the complainant side and to subvert his prosecution for such a dubious act and that his custodial interrogation is essential.

After going through the arguments of two sides the complainant has levelled specific allegations against the petitioner and has spelled out the manner in which the petitioner has on the basis of false pretences and subterfuges has actually duped the petitioner of his valuable money. Since such like activities have attained notoriety and thus needs to be curbed with a heavy hand together the settled law that the provisions of Section 438 Cr.P.C. are to be sparingly used finding to be a fit case for custodial interrogation. There is no merit in the present petition and the same stands dismissed.

November 10, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No