

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

**CRM No.M-45651 of 2017
Date of decision: 06.12.2017**

Hinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajiv Kataria, Advocate for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. B.S. Jatana, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.105 dated 21.10.2017 registered under Sections 420, 406 read with Section 34 of the Indian Penal Code (in short 'IPC') at Police Station Kot Dharmu, District Mansa.

Brief facts of the case are that on the complaint filed by the complainant – Sukhwinder Singh son of Gurmdur Singh against 03 persons namely Bharpur Singh, Butta Singh and Hinder Singh (petitioner herein), it is stated that an FIR No.19 at Police Station Jhunir was registered on 16.05.2015 under Sections 302 and 304 IPC against the complainant and he is on bail and is pursuing his case against the accused persons in said FIR. It is further alleged that the petitioner told him that he has good relation with the top police officials and if he arrange money he will get them acquitted in the aforesaid FIR for which the complainant has to pay an amount of Rs.15 lacs. The complainant arranged Rs.15 lacs from different sources, details of

which is given in the FIR itself. It is further submitted that the aforesaid persons have defrauded him and have not returned the money.

On the basis of the FIR, investigation was carried out by the police and statements of the witnesses were recorded.

Counsel for the petitioner has submitted that the petitioner is an innocent person and has been falsely implicated on account of settling the political vendetta. It is further submitted that the petitioner has never received the amount of Rs.15 lacs and he has no concern with the alleged compromise.

Counsel for the petitioner has also submitted that there is no specific allegation against the petitioner, when he has received the amount and in fact on the face of it, the complainant himself is guilty of the fact that he has offered to pay the amount, which is in the shape of illegal gratification and legal action be taken against the complainant, as well.

In reply, counsel for the State, on instructions from ASI Jarnail Singh and assisted by counsel for the complainant has opposed the prayer for bail on the ground that the details of arranging money and persons has been given in the FIR itself, from whom the complainant has arranged the money and the complainant has specifically named the petitioner along with 02 other co-accused Bharpur Singh and Butta Singh, to whom the aforesaid amount of Rs.15 lacs was paid.

Counsel for the State has further submitted that a perusal of the FIR show that name of the witnesses is also mentioned in whose presence the said amount was given to the petitioner and his co-

accused.

Counsel for the complainant has submitted that even there is a writing which was duly signed by the petitioner acknowledging that he has received the amount and he has undertaken to pay the amount back.

After hearing the learnd counsels for the parties, I find no merit in the present petition for grant of anticipatory bail to the petitioner. A perusal of the FIR show that the complainant has allegedly paid the amount of Rs.15 lacs, on an assurance given by accused persons that they will help him in getting the order of acquittal in a criminal case and the said amount has been misappropriated by the accused persons. It may be relevant to mention here that anticipatory bail application of co-accused – Bharpur Singh filed as CRM-M No.42496 of 2017 has already been dismissed as withdrawn vide order dated 14.11.2017.

Since, it is a matter relating to same allegations with regard to seeking a favourable order i.e. an order of acquittal in a criminal case, the allegations in the FIR are serious in nature which require custodial interrogation of the petitioner. Therefore, considering the allegations levelled in the FIR, I do not think it to be a fit case for grant of anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

06.12.2017
yakub

Whether speaking/reasoned Yes/No

Whether reportable Yes/No