

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-11470-2018

Date of Decision: March 19, 2018

Harjinder Kumar

.....Petitioner.

versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr.Lajpat Sharma, Advocate
for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in FIR No.856, dated 15.08.2017, registered at Police Station City Karnal, under section 406, 420-B IPC.

2. As per the allegations of the FIR, the petitioner and other persons induced the complainant and others to make investment in their Company on the promise that the investment would be doubled. However, neither the investment was doubled nor original amount was refunded. Two cheques worth ₹ 5 lacs and ₹ 6 lacs respectively, were issued but the same were dishonoured as the signature did not match.

3. Learned counsel contends that the police has not been able to connect the petitioner with the said company namely Jiwandeep Industries India Limited. The petitioner along with Rajesh Kamboj are alleged to be the Managing Directors of the company and Rajesh Kamboj had been granted anticipatory bail by the

Additional Sessions Judge, Karnal. It is further submitted that the learned Additional Sessions Judge has misread the evidence on record to conclude that the petitioner's case is different from the case of Rajesh Kamboj and therefore petitioner deserves to be granted anticipatory bail.

4. There are specific allegations against the petitioner in the FIR. He is alleged to have taken money from the complainants on the pretext of doubling the same. Offences of this nature are on rise and prompt action needs to be taken to curb this tendency. The Society of today has fuelled the aspirations of the people to such an extent that everyone wants to become rich overnight. The petitioner and co-accused have taken advantage of this fact.

5. The submission that the learned Additional Sessions Judge has committed an error inasmuch as he misread the evidence on record, although well founded, cannot persuade me to take a different view. I am not sitting in an appeal against the order of the Additional Sessions Judge. The jurisdiction under Section 438 Cr.P.C. is concurrent and it is only as a matter of practice that the Court of Sessions is approached at the first instance. The mere fact that the Additional Sessions Judge has not considered the case in the correct perspective, is not sufficient to persuade me to take a view in favour of the petitioner.

6. The petition is without any merit and is dismissed.

March 19, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No