

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

CRM No.M-17561 of 2018 (O&M)

Date of Decision: July 18, 2018

Rajesh Kumar Bajwa

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gagan Oberoi, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr. DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.161 dated 01.08.2017 under Sections 420 and 120-B IPC, registered at Police Station Model Town, Ludhiana.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been registered on the statement of Gulshan Pahwa against present petitioner and co-accused that they connived with each other played fraud, cheated and

misappropriated his money. As per the allegations, he needed money for his business and in this regard, he approached his friends Sanjay Gupta and Parveen Arora and requested them for arranging money. They told him that they know a person, whose name is Rajesh Kumar Bajwa, who used to get loans passed from banks and finance companies and they have heard a lot about him. It is further alleged that complainant asked the present petitioner that he needed bank guarantee of ₹50 lakh, on which accused asked the complainant, not to worry. At that time, accused demanded ₹50 lakhs from the complainant for getting the loan passed. The petitioner took ₹25 lakhs from the complainant but the loan was not got passed and he committed the fraud.

The perusal of the record shows that petitioner is named in the FIR and he is the main accused and he has defrauded the complainant. Secondly, in previous bail petition, the petitioner was directed to join investigation by contacting the Investigating Officer within five days from 11.10.2017 and to render all sort of cooperation and also to surrender his passport before the Investigating Officer. He was also directed to pay 10% of the disputed amount to the complainant well before the next date of hearing in that bail petition, making it clear that in case of default, the order granting interim bail, shall be liable to be withdrawn.

The present petitioner, in the previous bail petition, has not complied with the terms and conditions and the petition was dismissed accordingly for non compliance of the order.

Keeping in view the fact regarding order passed by this Court in previous bail petition and further, that petitioner is the main accused,

also against him, I find that petitioner is required for custodial interrogation and no ground is made out for grant of benefit of anticipatory bail to him.

Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 18, 2018	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No