

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

CRM M-18570 of 2017

Date of decision :14.03.2018

Charanjit Bawa

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG Punjab.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 406, 420 IPC vide FIR No. 174 dated 26.12.2016 at police station City, Hoshiarpur. It has been urged before the court that FIR was registered on the basis of vague allegations. There is nothing on record to show that petitioner ever took any money from the complainant on the pretext of sending him abroad. No offence under sections 406 & 420 IPC is made out. He is thus entitled to concession of pre-arrest bail. Plea has been opposed by learned State counsel. He submits that custodial interrogation of the petitioner is required for taking the investigation to its logical end. He has referred to affidavit of Sukhwinder Singh, Deputy Superintendent of Police, Sub Division Hoshiarpur in support of his contentions.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by Hardeep Singh who stated that he had paid a sum of ₹39,25,000/- to petitioner and one Amandeep Kaur for sending him abroad. According to allegations, petitioner and co-accused Amandeep kaur received various amounts from the complainant on different dates, details whereof have been mentioned in para 2 of the affidavit filed by DySP, Hoshiarpur for the same. Various amounts have also been deposited in the State Bank of India account of the petitioner. After having received total amount of ₹39,25,000/-, petitioner never kept his promise. He neither returned the money nor sent the complainant abroad which necessitated the complainant to lodge a complaint with the police. Pursuant thereto instant FIR was registered. It is evident that allegations against the petitioner are serious. He is alleged to have duped the complainant of huge amount on the promise of sending him abroad. He neither adhered to the promise nor returned the amount. Stand of the investigating agency is that custodial interrogation of the petitioner is required for taking the investigation to its logical end.

Keeping in view the nature of allegations, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. Petition is without any merit and is hereby dismissed.

March 14, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No