

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2113 of 2018

DATE OF DECISION: FEBRUARY 22, 2018

INDER PREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

PRESENT: MR. I.P.S. KOHLI, ADVOCATE FOR THE PETITIONER.

MR. A.S. DHALIWAL, DAG, PUNJAB.

MR. PARSHOTAM LAL SINGLA, ADVOCATE
FOR THE COMPLAINANT.

MAHABIR SINGH SINDHU, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.201 dated 9.12.2017 under Sections 406/420 IPC, registered at Police Station Division No.8, District Police Commissionerate, Ludhiana,

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case as he was employed as Sr.Manager – Sales and Marketing with M/s Earth Iconic Infrastructure Pvt. Ltd. only on 22.3.2014 (Annexure P-2) and resigned on 17.11.2014 and has nothing to do with the financial transactions made between the complainant and the company as the booking amount of 10%, i.e. ₹3.24 lakhs was made on 29.6.2014, 20%, i.e. ₹6.48 lakhs on 18.9.2014 and 30%, i.e. ₹9.72 lakhs on 21.1.2015, totalling ₹19.44 lakhs.

Learned State counsel as well as learned counsel for the complainant vehemently opposed the bail application moved by the petitioner. Learned counsel for the complainant submitted that it was only the petitioner who lured him to invest in the said company for getting an assured return of 12% per annum.

Heard learned counsel for the parties.

A perusal of the FIR reveals that at the first instance the complainant got in touch with petitioner and it was he who lured the complainant to purchase a studio apartment at Yamuna Expressway, Noida, being build by M/s Earth Iconic Infrastructure Pvt. Ltd. and claimed to be a very reputed company which prompted the complainant for investing in the project. As per the allegations in the FIR, it was only the petitioner who showed the complainant a proposal-cum-approval letter of the project and took the complainant to Delhi, shown a site where the purported project was to start and was introduced with other co-accused, i.e. Satinder Kaur and Vikas Gupta.

Thus, this Court is of the firm view that it was the petitioner who seduced the complainant to invest in the project and get an assured return of 12% p.a. by making false promises and duped him of lakhs of rupees. Even if the contention on behalf of the petitioner is accepted that he joined the company only on 22.3.2014 and resigned on 17.11.2014, then also it is proved that he was associated with the company on 29.6.2014, when booking was made. The petitioner was employed by the said company to convince more and more gullible investors and the petitioner was very

well aware of the ground realities of the so-called reputed company's project. Therefore, it can be safely concluded that the petitioner had played an active role while duping the complainant, knowing fully well that he is making false promises and committing criminal breach of trust and cheating.

In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the same is accordingly dismissed.

February 22, 2018
Gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether Reportable	:	Yes
Whether Speaking/Reasoned	:	Yes