

Crl. Misc. No. M-29637 2018

Date of Decision: January 10, 2019

Jabir Singh @ Raju

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Maninder Singh Bajwa, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG Punjab

Mr. Vikas Gupta, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 55 dated 07.05.2018, registered under Sections 420, 120-B IPC at Police Station Chohla Sahib, District Tarn Taran.

According to the FIR, the petitioner took a sum of Rs. 8 lacs from the complainant for sending him to United States of America. However, he failed to do so and the money was also not returned.

Learned counsel for the petitioner submits that the petitioner had only introduced the complainant to the travel agent namely Lakhbir Kumar. This is evident from a complaint under Section 138 of the Negotiable Instruments Act, 1881 dated 24.10.2016 (Annexure P-5). Even in agreement dated 09.01.2016 (Annexure P-2) it is recited that the money had been paid to said Lakhbir Kumar. Now, a different story has been set up in the FIR. No money has been received by the petitioner and, thus, he deserves to be granted anticipatory bail.

The prayer is opposed by learned State counsel as well as counsel for the complainant. They submit that even in the complaint (Annexure P-5) the petitioner is mentioned as an agent of Lakhbir Kumar. In agreement Annexure P-2 also, the petitioner had undertaken to get the money recovered. In the police file there is another agreement dated 21.09.2017, in which again the petitioner had undertaken to get the money recovered. Thus, it is apparent that the petitioner is involved in the business of Lakhbir Kumar and is equally liable. The petition for grant of anticipatory bail is misconceived and deserves to be dismissed.

Having heard learned counsel for the parties, it becomes clear that the petitioner was working as an agent for Lakhbir Kumar. Thus, at this stage, I can not accept the submissions made on behalf of counsel for the petitioner that money was only paid to Lakhbir Kumar. The petitioner is equally liable for the acts and conduct of Lakhbir Kumar especially because it has consistently come on record that he introduced the complainant to Lakhbir Kumar. In this view of the matter, the custodial interrogation of the petitioner is necessary.

Consequently, the petition is without any merit and is dismissed.

January 10, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No