

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

CRM-M-35048-2018 (O&M)

Date of decision:- 17.9.2018.

Amrik Singh

.....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: - HON'BLE MR. JUSTICE KULDIP SINGH.

Present: - Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

Mr. V. G. Jauhar, Sr. DAG, Punjab.

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KULDIP SINGH, J.

Heard.

This is a petition filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No. 121 dated 18.7.2018 under Section 420 of the Indian Penal Code, registered at Police Station City, Kotkapura, District Faridkot.

The allegations against the present petitioner are that complainant-Shalinder Kumar Sharma handed over an amount of Rs. 8,40,000/- on behalf of Akash Bhushaal, Robin Bhushaal and Jaggu Prashad Pandey, for sending them abroad and for arrangement of the tickets. Petitioner neither sent them abroad nor returned the money. On the complaint being made to the police, petitioner effected a compromise with the complainant on 8.5.2018 and promised to return the money but later on the petitioner back out from the compromise.

Learned counsel for the petitioner contends that complainant in this case has not been cheated, therefore, he has no locus standi to file a criminal complaint.

Prime facie, complainant claims that he has handed over the money to the present petitioner on behalf of three above named persons, therefore, at the outset, it cannot be said that the petitioner does not have the locus standi to file a criminal complaint. Money is yet to be recovered and the racket of sending the people abroad may be unearthed.

Learned counsel for the petitioner also refers to the complaint made by the petitioner as well as the complainant against third person namely Avijit Chanda regarding cheating and payment of Rs. 7,80,000/-.

It comes out that the petitioner can always present his case before the police during the investigation.

Dismissed.

(KULDIP SINGH)
JUDGE

17.9.2018
preeti

whether speaking/reasoned	yes
whether reportable	no