

135/206
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37052-2018 (O&M)
Date of decision : 30.11.2018

Rajnish Garg

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Yogesh Goyal, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate for complainant.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

CRM-42066-2018

Application stands disposed of in the manner that order dated 20.11.2018 be merged in the present order being passed today.

CRM-M-37052-2018

Heard.

This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 46 dated 14.2.2017 (Annexure P-1) under Sections 420/506/120-B of the Indian Penal Code, registered at Police Station 'E' Division, Amritsar.

Learned State counsel has filed the affidavit of Amar Singh, Incharge, Police Post Hall Gate of Police Station 'E' Division, Amritsar in which he has stated that sufficient incriminating evidence is available on record against the accused-petitioner.

The allegations against the petitioner are that he collected the gold under his signatures worth Rs. 31.50 lacs and the gold was not returned. Complainant claims that it was the modus operandi of the petitioner and his family to collect the gold and make the payment and thereby earn the faith of the complainant and his family and thereafter not pay for the gold collected subsequently. A similar case was also registered at Bathinda.

Learned counsel for the petitioner, on the other hand, has contended that the petitioner is not the partner in the said firm i.e. M/s Mehar Chand Jewellers. It was a business transaction. Petitioner has already joined the investigation and therefore, he should be enlarged on anticipatory bail. It is further contended that in the case registered at Bathinda he was found innocent during the investigation.

Learned State counsel has taken the stand that though the petitioner has joined the investigation but is not cooperating with the same. Gold is yet to be recovered. Modus Operandi is also to be examined by the police.

Considering the factum that gold is yet to be recovered and the fact that it is claimed to be the modus operandi of the petitioner to cheat the parties in the given manner, no ground to grant anticipatory bail to the present petitioner is made out.

Dismissed.

(KULDIP SINGH)
JUDGE

30.11.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No