

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

CRM No. M-40887 of 2017 (O&M)

Date of Decision: 16.03.2018

Harbhagwant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Parvinder Singh, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Kiranpal Rana, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.9728 of 2018

Application is allowed, as prayed for.

The accompanying documents/material at Annexures
R-1 to R-6 are taken on record.

Application disposed of.

Main Case

Petitioner seeks concession of pre arrest bail in case
FIR No.225 dated 27.09.2017, under Sections 406, 420 of IPC,
registered at Police Station Sohana, District S.A.S. Nagar.

Counsel for the parties have been heard.

Briefly it may be noticed that FIR came to be registered
on the complaint of Kulbir Kaur on the allegations that she had
entered a 'Lucky Draw Scheme' being run by Guru Kirpa Trading

Company operated by the accused/present petitioner.

As per Scheme a sum of Rs.1200/- was to be paid per month for a period of 10 months. At the conclusion of such time period a draw was to be conducted and the winner was to get a Maruti Alto Car. Allegations are that the requisite payment was deposited every month and upon conclusion a draw was conducted and complainant was the winner against card No.07 but till date such car has not been delivered to the complainant in spite of being the winner.

Counsel for the petitioner has not denied the running of the 'Lucky Draw Scheme'. Receiving of Rs.1200/-p.m. over a 10 month time frame is also conceded. He, however, relies upon a telephonic conversation transcript placed on record at Annexure R-1 (colly.) by the complainant herself and as per which the sum of Rs.12000/- (Rs. Twelve Thousand only) has already been returned to her.

It is the case of the petitioner that on account of sufficient number of members having not been enrolled a 'lucky draw' was never held.

In pursuance to the interim order passed by this Court dated 01.11.2017, petitioner has joined investigation as per statement made by learned State counsel.

The factual position as regards a draw if at all having been held in pursuance to the Scheme in which the complainant had become a member and as regards she being a winner of such draw if held would be a matter of investigation.

Petitioner having joined investigation, his custodial interrogation as such would not be warranted.

Without making any observations on merits, petition is allowed.

Order dated 01.11.2017, passed by this Court is made absolute.

Disposed of.

16.03.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No