

213.

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

CRM-M-42580-2018

Date of decision:05.10.2018.

SANJEEV KUMAR

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Iqbal Singh Maan, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of pre arrest bail to the petitioner in case FIR No.38 dated 20.05.2017 registered under Sections 420, 120-B IPC at Police Station Kot Dharmu, District Mansa.

The aforesaid FIR was registered at the behest of complainant Jagtar Singh who was a friend of Dinesh Thakur son of Radha Thakur, who runs a store of Credence Herbal Medicine at Bibiwala Road, Bathinda and used to supply Credence Herbal juice and syrup etc. in the area of Bathinda. The said Dinesh Thakur had introduced the complainant to the petitioner- Sanjeev Kumar Bishnoi, who is the Marketing Manager with Credence Herbal medicines. During the conversation, the petitioner had told the complainant that his father Om Parkash Bishnoi is in the business of manufacturing herbal medicines by the name of Herbal Udyog at

manufactured there to treat various kinds of diseases. Petitioner had further told the complainant that for marketing of the same, he had created one firm by the name of Credence Herbal in which one of his friends Sunil Kumar, a resident of Jaipur, is also a partner and they used to supply all their herbal products through this firm in Rajasthan, Madhya Pradesh, Punjab and Haryana. Besides this, they have also created M/s. Credence Enterprises and Credence Buildtech Private Limited Companies through which they used to deal with real estate, eatables, pulses, spices and other items. Thereafter, petitioner met the complainant and asked him to invest in Credence Herbal and advised him to get a distribution centre at Mansa. He assured that once an amount of Rs.40/50 lakhs is spent, thereafter there is no need to work for the rest of his life. Acting on this assurance, the complainant paid Rs.40 lakhs by collecting it from his father and brothers to the petitioner, in the presence of Bhupinder Singh Bathinda, Dinesh Thakur Bathinda and Jagdeep Singh son of Shikander Singh, resident of Jawaher Ke. The accused promised to get a Herbal Distribution Centre soon after completing the formalities. Similarly, after two months, the petitioner again told the complainant to pay another sum of Rs.20 lakhs, so that all formalities, licence etc. could be completed. The petitioner had further told the complainant to meet his father Om Parkash and his partner Sunil Kumar to pay Rs.20 lakhs at Jaipur. On 17.09.2016, the petitioner succeeded in getting Rs.20 lakhs more from the complainant. When after another 1 ½ months nothing happened, then the complainant enquired from the petitioner, firstly he made excuses, then he told him that they are not providing any distributorship and only wanted to defraud him. Thereafter, when the accused were asked to return the money, they started making excuses.

However, when the accused was warned that in case money is not paid, they would report the matter to the police, then the accused gave a cheque bearing No.92803 of Rs.20 lakhs in the name of the complainant and when the complainant asked for the remaining amount of Rs.30 lakhs, then after making excuses, he gave another cheque bearing No.92804 of Rs.30 lakhs.

Thus, the argument of learned counsel for the petitioner that the complainant is a chronic litigant and earlier also, he had got registered an FIR of similar nature against one person namely Ashwani Kumar, cannot be accepted. The petitioner had issued two cheques bearing No.92803 of Rs.20 lakhs and Cheque No.92804 of Rs.30 lakhs in the name of the complainant, is sufficient to establish that he had taken this money from the complainant. The argument that nothing is to be recovered from the petitioner cannot be accepted at this stage.

The allegations are serious as the petitioner along with the co-accused have cheated the complainant and have collected Rs.60 lakhs from the complainant. Issuance of two cheques in the name of complainant is sufficient admission on the part of the accused-petitioner to establish that they have taken money from the complainant.

In view of above, no case for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

05.10.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.