

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

**CRM-M-6998-2017 (O&M)
Date of Decision: 16.4.2018**

Manpreet Singh alias Amna

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Karanbir Singh, A.A.G. Punjab.

Mr. A.S.Sekhon, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.0222 dated 19.12.2016 registered for the offences punishable under Sections 420 of Indian Penal Code, at Police Station City, Sri Muktsar Sahib, District Sri Muktsar Sahib.

Briefly stating the case of the prosecution is that various persons submitted written applications to the police with regard to duping of huge amount by the petitioner under the garb of sending them abroad. However, FIR was registered on the application of Gurpreet Singh son of Sardool Singh and Harmeet Singh son of Kashmeer Singh. It is their case

that the petitioner has duped an amount of ₹ 2,90,000/- along with their passport, aadhar card, voter card etc. However, they were not sent to foreign country nor their documents have been returned.

Learned counsel for the complainant has placed on file a handwriting dated 1.9.2016 (in vernacular) executed by the petitioner wherein he undertook to return ₹ 2,90,000/-.

Learned State counsel has submitted that the petitioner is also having in possession passports, aadhar card of the victims and the investigating agency wanted to recover those documents along with the amount duped from different persons. He has further submitted that the petitioner has duped seven persons and received ₹ 2,90,000/- each from them.

On the other hand, learned counsel for the petitioner submits that he preferred a civil suit No.124 of 17.9.2016/13.10.2016 which was dismissed on 20.4.2017 for want of evidence.

I have heard learned counsel for the parties and have gone through the material available on record.

From the copy of judgment dated 20.4.2017, it transpires that the petitioner has filed a suit for mandatory injunction against Gurmail Singh, Jaspreet Singh, Gurpreet Singh, Harmeet Singh and Ramandeep Singh to handover/return blank stamp papers, matriculation certificate, driving license and 10 passport size photographs and other identity proof of the plaintiffs but this suit has already been dismissed.

The petitioner himself executed a writing dated 1.9.2016 wherein he undertook to return the amount along with documents i.e.

passports, aadhar card, voter card etc. The investigating agency wants to

recover the passports, aadhar card along with other documents, therefore, custodial interrogation of the petitioner is very much necessary.

Similarly, sending of persons on forged visa are on increase and rarely such culprits are apprehended. The involvement of present petitioner is fully there since he had collected ₹ 2.90 lacs from the victim.

To the mind of this Court, custodial interrogation of the petitioner is necessary, therefore, he is not entitled to the benefit of anticipatory bail, as such, the present petition stands dismissed.

April 16, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No