

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-6502-2018

Date of Decision:12.10.2018

Rashpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

HARI PAL VERMA, J.(Oral)

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.29 dated 19.01.2018 under Sections 420, 406, 120-B IPC, registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

The FIR was registered at the behest of complainant-Manish Arora. The allegations against the petitioner are that petitioner along with his wife Kanwaljit Kaur allured the complainant so as to purchase a joint property for the purpose of investment at Dhariwal in District Gurdaspur. The complainant had paid an amount of ₹29,30,000/- and after receiving the aforesaid amount, they (accused) failed to get transferred any property in the name of the complainant. However, when the complainant asked the accused to return the money, he failed to discharge the whole liability.

Learned counsel for the petitioner has argued that the

allegations are not against the petitioner and even if there is any allegation that is against Kanwaljit Kaur, though she happens to be his wife.

Learned State Counsel states that money had been paid to the petitioner as well as his wife Kanwaljit Kaur together in cash as well as in the account of Kanwaljit Kaur.

Learned counsel for the petitioner has argued that no amount was paid in cash. However, learned State Counsel has drawn the attention of this Court to the FIR, wherein an amount of ₹5,36,000/- has been shown to be paid to the accused in cash on 20.04.2017.

I have heard learned counsel for the parties.

Considering the fact that in the FIR, there is a specific allegation that the petitioner along with his wife had taken money from the complainant, the argument of the learned counsel for the petitioner that money was not given to the petitioner and his wife, cannot be accepted. In the FIR, there is specific allegation against the petitioner and his wife by the complainant wherein an amount of ₹5,36,000/- was paid to the accused in cash. As the petitioner and his wife had allured and succeeded in receiving a substantial amount from the complainant, this Court does not find any ground for grant of pre-arrest bail to the petitioner.

Dismissed.

October 12, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No