

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

CRM M-7410 of 2018

Date of decision : 14.03.2018

Harjit Singh @ Tony Baba

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG Punjab.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under section 406, 420, 506, 120-B IPC vide FIR No. 6 dated 09.01.2018 at police station Mandi Gobindgarh, district Fatehgarh Sahib. It has been urged before the court that allegations of fraud and cheating leveled against the petitioner are false and frivolous. He submits that registration of FIR is nothing but a gross abuse of process of law. Thus, he deserves the concession of pre-arrest bail. Learned State counsel has opposed the prayer for bail on the ground that allegations against the petitioner are serious. He has duped the complainant of his valuable money.

A complaint was lodged by Kuljitpal Singh alleging that Harjit Singh @ Tony Baba (petitioner herein) in connivance with other co-accused grabbed his money by playing fraud on him. It was alleged that Harjit Singh @ Tony Baba used to hold religious congregation. He was introduced to the complainant by one Narinder Kaur. In order to construct an Old Age asylum, Harjit Singh @ Tony Baba demanded a sum of ₹5.00 lacs from the

complainant with the promise that same would be returned shortly. Thereafter, complainant gave ₹4.00 lacs in cash, 3½ tolas of gold bangle amounting to ₹1,10,000/- alongwith two mobile phones. When the complainant demanded his money back, petitioner refused to return the same and threatened the complainant. After registration of FIR, investigation ensued. Allegation against the petitioner is that he allegedly took ₹4.00 lacs & two mobiles phones from the complainant with the promise to return the same. Instead of returning the same, petitioner started extending threats to the complainant. He is alleged to have deceived the complainant in this way. Keeping in view facts and circumstances of the case particularly the fact that investigation is at a crucial stage, I am of the considered view that no case for grant of pre-arrest bail is made out. Investigation has to be taken to its logical end for which custodial interrogation may be necessary. Petition is, thus, without any merit and is dismissed.

During the course of arguments, petitioner submitted that notice under section 41-A has not been served on him in terms of judgment in *Arnesh Kumar vs. State of Bihar & anr. 2014(3) RCR (Criminal) 527*. In this regard it is observed that investigating agency shall be at liberty to comply with the requirement of section 41A of Cr.P.C.

March 14, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No