

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

CRM-M-1201-2019 (O&M)
Date of Decision:- 21.1.2019

Ashok Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Arora, Advocate, for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Ashok Kumar seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.207, dated 7.12.2018, registered at Police Station Nangal, under Sections 406, 420 and 120-B IPC.
2. The FIR was registered at the instance of Baljit Singh wherein it has been alleged that Aman Adhowalia and his wife Priya had promised to send him abroad and the said agents had taken amount of ₹60,000/- and the remaining ₹70,000/- was to be paid after the complainant reaches foreign country. It is alleged that the aforesaid amount was taken by father of the agent i.e. by Ashok Kumar (petitioner) and by the agent's wife namely Priya. It is alleged that it had been

represented that the petitioner would work for a company M/s I.Pad Malaysia and would get 2000 Rugger apart from overtime. It is further alleged that although the petitioner was sent to Malaysia on 5.7.2018 but he was not provided any work out there and in fact he had been sent on forged documents and was not even provided any food and ultimately the petitioner sought expenses of ₹40,000/- from his family and returned back to India. It is further alleged that after his return back in India, he demanded his money back from the agent who promised to refund ₹80,000/- but later on resiled from his promise.

3. Learned counsel for the petitioner has submitted that the petitioner is working in BBMB, Nangal and has been implicated in the FIR being father of Aman Adhowalia simply in order to pressurize Aman Adhowalia to pay him an amount of ₹80,000/- or more. It has further been submitted that in any case the complainant, as per the promise made to him had been sent to Malaysia and it cannot be said that he had been cheated.
4. Opposing the petition, learned State counsel has submitted that a perusal of the FIR clearly indicates that the amount of ₹70,000/- has been given to the petitioner and Priya and which clearly shows the complicity of the petitioner and in these circumstances no case for grant of anticipatory bail is made out.
5. Having considered rival submissions addressed before this Court and bearing in mind that as per the FIR, it is Aman Adhowalia who is

referred to as the agent, it will certainly be debatable as to whether petitioner, who is father of Aman Adhowalia is also actually involved and had cheated the complainant. In any case even as per FIR the complainant had been sent abroad and it was on account of the fact that he did not get any work in Malaysia that he had to return back. Bearing in mind the aforesaid facts and circumstances of the case, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

January 21, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No