

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

**CRM-M-43650-2018
Date of decision:10.01.2019**

Gurpreet Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Brijender Kaushik, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.97 dated 31.08.2018 under Sections 406, 420 and 120-B of Indian Penal Code, 1860, Police Station Julkan, District Patiala.
2. The FIR was lodged at the instance of Gursewak Singh who has alleged that Gobind Singh @ Bobby and his wife Sarabjit Kaur @ Seema had taken an amount of ₹12 lakhs from him on the pretext of sending complainant's wife to Australia for studies. It has been alleged therein

that Gobind Singh had sent Visa and ticket on WhatsApp, but upon inquiry made by the complainant the same was found to be forged. It is specifically alleged that Gobind Singh had received an amount of ₹12 lakhs in his account No.50100103536450.

3. Learned counsel for the petitioner has submitted that even upon a bare perusal of the FIR it is evident that it is Gobind Singh who had received the amount of ₹12 lakhs and that under these circumstances the petitioner cannot be said to have played any role for the alleged cheating by Gobind Singh.
4. The learned State counsel while opposing the petition has pointed out that the petitioner is in fact uncle of main accused Gobind Singh and during the course of inquiry it had surfaced that Gobind Singh had transferred an amount of ₹1 lakh in the account of the petitioner which indicates that the petitioner is also hands-in-gloves with Gobind Singh.
5. Having heard rival contentions addressed before this Court, it would certainly be debatable as to whether “*the amount of ₹1 lakh transferred in the account of petitioner is part of ₹12 lakhs received by Gobind Singh or not*”? Since the petitioner is not specifically named in the FIR and has already joined investigation, in my opinion, it is a fit for grant of anticipatory bail to the petitioner. Accordingly the petition is accepted and the interim directions issued vide dated 04.10.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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. The petition is accepted in the above mentioned terms.
7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

10.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**