IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33962-2019
Date of decision : 01.10.2019

Balwant Rai Chawla **.... Petitioner**

Versus

State of Punjab **... Respondent**

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Vikram Satpal Anand, Advocate
for the complainant.

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AMOL RATTAN SINGH, J (ORAL)

By this petition, anticipatory bail was sought by the petitioner, upon FIR no.73 dated 24.07.2019 having been registered at Police Station Cantt., Ferozepur, District Ferozepur, alleging therein the commission of offences punishable under Sections 420 and 120-B of the IPC, against him.

The affidavit of the SSP, Ferozepur, as was directed to be filed on the last date of hearing, is ordered to be taken on record. A perusal thereof shows that other than the FIR in question registered against petitioner, 3 complaints dated 19.08.2019, 30,08.2019 and 23.08.2019, made by different residents of Ferozepur City, have also been received against the petitioner, with the allegation being that the petitioner received various amounts from the complainants by alluring them to the effect that he would deposit the amounts in the post office and fetch a higher interest rate, but with that not having been done, nor he having returned the money to them.

Some other complaints, against the petitioner's wifes' nephew,

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Raghav Nagpal, are stated to have also received.

Learned counsel for the complainant however submits that other than the aforesaid 3 complaints received against the petitioner, as per his information there are about 11 more complaints against him (in respect of which he has produced copies of certain complaints, as also postal receipts showing that the said complaints were addressed to the office of the SSP, Ferozepur).

However, learned State counsel submits that all other complaints are against the co-accused of the petitioner and the petitioner at least is not required for custodial interrogation, he having joined investigation.

Learned counsel for the complainant thereafter, to show the source of the money stated to have been given to the petitioner, has produced a photocopy of a bank statement, to submit that on 27.12.2017 ₹5 lakhs was debited from the account of Abhay Pratap Singh, son of the complainant.

Having considered the matter, though of course learned State counsel has stated on instructions from SI Mehal Singh, that the custodial interrogation of the petitioner is not required, however, as regards the allegations against the petitioner, I see no reason to admit him to anticipatory bail, (thereby giving the “stamp of the court” to him being entitled to such concession). Of course, whether his custodial interrogation is actually required or not, is something which is to be seen by the investigating agency itself, with this Court, naturally, not to direct the agency to arrest the petitioner, if he is not required to be arrested.

If the complainant has any grievance against any discrepancies

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in investigation of the matter properly, he would have his remedy, as per law, available to him.

Consequently, without making any further comment upon the actual merits of the case, for or against the petitioner, the petition is dismissed, with the interim order vacated, while reiterating the aforemade observations.

(AMOL RATTAN SINGH)
JUDGE

01.10.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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