

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

105

CRM-M-43392 of 2019

Date of decision:15.10.2019

Avtar Singh

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

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

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the petitioner only being an agent of the company/firm which allegedly duped the complainant (as per the contents of the FIR), and his co-accused already having been admitted to bail, the petitioner deserves the concession of anticipatory bail.

He further submits that in the initial report submitted under Section 173 of the Cr.P.C., the petitioner was not named as an accused by the investigating agency. Subsequently, charges were also framed against only 4 persons by the trial Court.

Having considered the matter, it is seen from the FIR (copy Annexure P-1) that the petitioner is the one who has been named by the complainant as the person who actually 'trapped him' into parting with the money on the promise of high returns, after which the office for which the petitioner was working, was not found to existing/was found to be locked, with nobody operating from there.

That being so, simply because the police did not investigate the petitioner at the initial stage, I see no reason to entertain this petition seeking anticipatory bail, which is consequently dismissed.

It is to be observed that as regards the co-accused of the petitioner having been admitted to bail, one Rakesh Sharma was admitted to anticipatory bail, who as per learned counsel is a Director of the company/firm concerned, but is not seen to have been named in the FIR.

As regards Mangal Singh, he was granted the concession of 'regular bail' after he had been in custody for some period of time.

Hence, I do not see parity with either of the two aforesaid persons.

However, nothing observed herein above shall be taken to be a comment on the merits of the case for or against the petitioner, but only in the context of whether or not anticipatory bail is to be granted to him.

Eventually, learned counsel has submitted that the petitioner may be granted a sympathetic hearing if he joins investigation and is arrested thereafter.

Naturally, in the event of arrest of the petitioner, if he moves any petition under the provisions of Section 439 of the Cr.P.C., that would be considered wholly on its own merits and decided expeditiously by the competent Court.

15.10.2019

pk

Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes/No

Yes/No