

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

**CRM-M No.47013 of 2019
Decided on: 15.11.2019**

Harvinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this second petition is for grant of anticipatory bail to the petitioner in FIR No.189 dated 30.07.2019 registered under Section 420 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station City Muktsar Sahib, District Sri Muktsar Sahib.

The earlier petition seeking anticipatory bail to the petitioner was dismissed as withdrawn on 10.09.2019 as the counsel for the petitioner, after arguing for some time and finding that the Court is not inclined to grant any relief to the petitioner, had withdrawn the said petition.

Counsel for the petitioner has argued that this second petition has been filed on a new ground that the Superintendent of Police, Crime Zone, Bathinda in an enquiry conducted by him, has opined that the allegations of handing over the amount of Rs.20 lacs to the petitioner – Harvinder Singh and Ajitvinder Singh is not proved as except for the statement of the complainant, there is no evidence.

Counsel for the petitioner has submitted that as per the

allegations in the FIR, registered at the instance of the complainant against the petitioner and Ajitvinder Singh, it is stated that he had paid an amount of Rs.10 lacs to them, after borrowing the same in order to send him to Canada and in that process, the petitioner and Ajitvinder Singh also obtained his signatures on forms and also took his photographs. Again, the complainant arranged Rs.5 lacs by selling the jewelery of his wife and mother and paid the amount to the accused persons. Since the deal was struck off for a total sum of Rs.20 lacs, on pressure put up by the petitioner – Harvinder Singh to pay another amount of Rs.5 lacs, the complainant after arranging the money came to the house of the petitioner in Village Khanpur Bangar and handed over the amount. It is further stated in the FIR that the last amount of Rs.5 lacs was paid in the presence of the wife and father of the petitioner. The complainant was assured that he will be sent to Canada and will be provided a good job. Thereafter, the complainant was asked to wait for a long time and when the petitioner and others fail to do the job, he had asked for the return of the amount, upon which the petitioner – Harvinder Singh and Ajitvinder Singh handed over a cheque of Rs.20 lacs dated 01.08.2017 to the complainant, which was dishonored. It is further stated that the complainant has arranged a loan of Rs.20 lacs at the interest rate of 2% per month.

Counsel for the petitioner has also argued that the petitioner has no role as he is a shopkeeper and in the enquiry he was exonerated.

After hearing the counsel for the parties, I find no new ground to entertain the present petition. The the petitioner and

Ajitvinder Singh have taken Rs.20 lacs from the complainant and in order to avoid his liability he, in anticipation, has created a ground by filing a complaint against him. The complainant has given details of the amount paid by him to the petitioner and the other accused persons for sending him to Canada. The fact that the petitioner has handed back a cheque to him, which was dishonored, falsify the police report, relied upon by the petitioner that he was found innocent as there is no evidence except the oral statement of the complainant. The report is silent about the handing over of the cheque by the petitioner to the complainant for returning the amount.

A perusal of the FIR reveals that the petitioner induced the complainant to part away an amount of Rs.20 lacs, which was paid to the petitioner and Ajitvinder Singh on three occasions but no efforts were made to send the petitioner to Canada, which show the intention of the petitioner and therefore, looking into the specific and clear allegations against the petitioner that he in conspiracy with other accused, has duped the complainant of Rs.20 lacs on the pretext of sending him to Canada and the said amount was never returned, thus, the custodial investigation of the petitioner is required, therefore, I find no new ground to entertain this second petition for grant of anticipatory bail.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

15.11.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No