

CRM-M No.15879 of 2020

DECIDED ON: JUNE 22, 2020

YADWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Pardhuman Garg, Advocate, for the petitioner.

Mr. Gaurav Dhuriwala, Sr. DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The petitioner has approached this Court being aggrieved of order dated 06.06.2020 passed by Additional Sessions Judge (Exclusive Court for Heinous Crimes Against Women), Patiala dismissing the anticipatory bail in case FIR No. 120 dated 15.05.2020, under Sections 381, 420, 120-B IPC and Sections 411, 419, 465, 467, 468 and 471 IPC (added later on), registered at Police Station Civil Lines, Patiala.

FIR was registered at the instance of Dr. Surinder Singh Nanda. The allegations are that the petitioner and his wife were working as care takers of the complainant who is a 83 years old bed ridden person. A blank signed cheque of the complainant was misused to transfer of an amount of ₹12,30,000/- to the account of the petitioner's wife which was later withdrawn by the petitioner.

Learned counsel for the petitioner argues that considering the amount to be transferred the bank officials made a phone call to confirm the transaction and therefore, the entire case made against the petitioner is false.

Learned State counsel submits that the complainant is a bed ridden and due to his trembling hands the cheque was only partly signed. During investigation it is surfaced that the petitioner and his wife took the cheque as well as the mobile of the complainant. The cheque was filled by accused and signatures affixed at the back of the cheque, thereafter same was presented. When the call was made by the bank officials for verification, the brother of the petitioner namely Amrinder Singh posed as complainant. He further contends that the wife of the petitioner was arrested and complete cheque book of the complainant has been recovered from her. The contention of the petitioner is resisted on the ground that the amount withdrawn was utilised for purchasing various articles, some of which have been recovered including LCD and Double Bed. As per the statement of the wife of the petitioner the unspent amount is with the petitioner.

I have considered the rival submissions, there is no denial of the fact that the amount was got transferred to the account of the wife of the petitioner and thereafter, the same was withdrawn by the petitioner. The allegation is that the care takers have breached the trust and took advantage of person being bed ridden. No case is made out for extending the benefit of pre arrest bail to the petitioner.

The petition is dismissed. However, it is clarified that anything observed in the order shall not be construed as observation on the merits of the case.

JUNE 22, 2020

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(AVNEESH JHINGAN)

JUDGE

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| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i> | <i>Yes/No</i> |