IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

(Heard through VC)

CRM-M-19339 of 2020 (O&M)
Date of Decision: August 13, 2020

Mukesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

Mr. M.S. Chauhan, Advocate
for the complainant.

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JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.173 dated 17.11.2019, registered under Sections 406, 420 of Indian Penal Code and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Division No.5, District Jalandhar.

2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that neither any amount had been deposited in the bank account of the petitioner nor had any amount

been entrusted to the petitioner. As far as money transactions are concerned, learned counsel for the petitioner would argue that earlier the complainant had handed down an agreement to purchase the shop from the wife of the petitioner namely Nancy regarding which GPA dated 11.09.2020 was executed by Nancy in favour of wife of the complainant and some amounts were deposited in the bank account. It is contended that the said bank transactions have now been misused by the complainant by concocting a false and fabricated story.

3. Notice of motion was issued in the matter, pursuant to which appearance has been caused on behalf of the respondent-State as well as complainant.

4. Counsel appearing on behalf of the respondent-State as well as complainant would submit that the petitioner herein along with other co-accused had received an amount of ₹ 60 lacs from the complainant on the pretext of sending four members of his family to USA, however, neither the family members of the complainant had been sent to abroad nor has the said amount been returned.

5. I have heard counsel for the parties and have gone through the pleadings of the case.

6. As per the allegations levelled in the FIR, the complainant had paid a sum of ₹ 60 lacs to the petitioner-accused and other co-accused for sending four members of his family to USA, for which some of the payments were made through bank transfers. It is also alleged that original passports of the complainant and his family members were also given to the petitioner-accused. Thereafter, the accused persons started delaying the

matter on one pretext or the other and later on, the complainant found that the petitioner herein and co-accused Nitin Kumar had run away from their address in Jalandhar. After much search by the complainant, the address of the petitioner-accused and co-accused Nitin Kumar was found to be of New Delhi. When the complainant requested the petitioner-accused to return the money and passports, he flatly refused.

7. Prima facie, there are serious allegations that have been levelled against the petitioner herein. The petitioner herein and his co-accused dishonestly induced the complainant to hand over the said huge amount to them, on the pretext of sending the family members of the complainant to USA. The said amount and the passports of the family members of the complainant are yet to be recovered from the petitioner. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed.

(JAISHREE THAKUR)
JUDGE

August 13, 2020
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No