

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

CRM-M-19308-2020 (O&M)

Date of decision : 29.09.2020

Vicky Rattu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mohd. Salim, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab.

Mr. Navdeep Singh, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in FIR No.94 dated 11.06.2020, registered under Sections 420 and 120-B of the Indian Penal Code, (for short, 'the IPC'); and Section 24 of the Immigration Act, 1983, at Police Station Division No.4, Ludhiana.

Contents that the petitioner is a person of clean antecedents and has no criminal history. He has been falsely implicated in the instant case. The petitioner himself is a victim and has been duped by the main accused, Rohit Paul, of Rupees three lakh on the pretext of sending him abroad. Even his original Passport is also lying with him. A complaint in

this regard has also been moved by him before the Commissioner of Police, Ludhiana. The petitioner has not received a single penny from the complainant. The petitioner earlier moved CRM-M-7761-2020 titled as ***Vicky Rattu Vs. State of Punjab and another***, for grant of blanket bail in the instant FIR. In the said petition, it has been directed by this Court that in case, the petitioner is sought to be arrested in this FIR, then the petitioner be afforded a prior notice of one week before effecting his arrest. However, till today, no notice has ever been issued to the petitioner.

On the other hand, learned State counsel submits that the petitioner played an active role in the crime. He introduced the complainant to co-accused Rohit Paul and allured him to give money to the latter. The petitioner also received Rupees one lakh in the presence of complainant's wife. The complainant has been cheated of Rupees twenty four lakh by the petitioner and his co-accused.

Heard.

The allegations against the petitioner are that he along with the co-accused duped the complainant of Rupees twenty four lakh. The complainant also had to raise a loan to pay the amount to the accused. There is specific allegation against the petitioner of receiving Rupees one lakh in the presence of complainant's wife. These are all disputed questions of facts. On 17.07.2020, learned counsel for the petitioner had sought time to seek instructions from the petitioner for sorting out the issue with the complainant. Today, he pleads no instructions. This Court feels that the disputed questions of facts can be ascertained only through custodial interrogation.

Therefore, no case for grant of relief sought is made out.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

29.09.2020
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No