

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

CRM-M-34812 of 2020

Date of Decision: 30th October, 2020

Kashmir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.S. Brar, Advocate
for the petitioner.

Mr. H.S. Multani, AAG Punjab.

Mr. S.S. Rangi, Advocate for complainant.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

Kashmir Singh has filed the present petition seeking anticipatory bail in FIR No. 0140 dated 2.10.2020 under Sections 420, 406, 120-B IPC, police Station Sadar Faridkot. The FIR is at the instance of Gurjeet Singh. The facts in brief are that the complainant and the accused are related to each other. The allegations are that Harpreet Singh son of Kashmir Singh had duped the complainant for a sum of approximately Rs. 22,30,000/- for sending Lovepreet Singh abroad. As per the allegations the accused Harpreet Singh is employee of HDFC Bank and an account in the name of Lovepreet Singh was opened in HDFC Bank but the ATM Card was kept by Harpreet Singh for withdrawing money. Lovepreet Singh was never send abroad.

From the pleadings and contentions it is forth coming that there was an attempt to settle the matter for which Kashmir Singh had given Rs. 3,50,000/- and some cheques were given by Harpreet Singh, Kashmir Singh and daughter of Kashmir Singh to repay the alleged amount. However, the said cheques bounced.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. No role has been attributed to him, no money was transferred or given to him. The submission is that he has been implicated just to create pressure on Harpreet Singh.

Though the complainant has not been impleaded as party, however, Mr. S.S. Rangi, Advocate puts in appearance for the complainant and argues that Kashmir Singh had given a cheque of Rs.3,50,000/- but the same was not honoured, hence, he has an effective role in the entire episode.

Learned State counsel vehemently opposes the grant of anticipatory bail.

Having considered the contentions, it is forth coming that apart from that the petitioner being father of the accused Harpreet Singh, there is no role attributed for offence under Section 420 IPC. Keeping in view the case of the complainant at the highest, he might have to face some proceedings for issuing cheque to settle the matter for the alleged misdeed of his son that itself would not be sufficient to deprive his personal liberty in the present FIR.

The petition is allowed subject to his joining investigation within two weeks. He shall be bound by the conditions as envisaged under Section

438(2) Cr.P.C. It is clarified that nothing stated hereinabove shall be construed as an observation on the merits of the case.

30th October, 2020
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	Yes