

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

**CRM-M-41396-2019 (O&M)
Date of Decision : 15.01.2020**

Pritam Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. G.C.Shahpuri, Advocate
for the petitioner.

Mr. N.K.Banka, DAG, Punjab.

Mr. Gurjeet Singh Kaura, Advocate
for the complainant.

RAMENDRA JAIN, J. (Oral)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.11 dated 23.02.2019, registered under Sections 406, 420, 120-B IPC (Sections 467, 468, 471 IPC added lateron), at Police Station Badali Alla Singh, District Fatehgarh Sahib.

According to prosecution, petitioner alongwith his accomplice allured and cheated the complainant, who is a widow, having minor children, to invest 3.5 crores in their company namely Pirad Enterprises Private Limited with assurance to double the invested amount in a short period but did not fulfill their promise and usurped the aforesaid money.

Learned counsel contends that co-accused of the

petitioner namely Saurabh Chauhan, who is the main culprit and co-accused Surinder Singh @ Surinder Dhiman have been granted the concession of anticipatory bail by a Coordinate Bench vide order dated 20.09.2019 in CRM-M-34033 and 36574-2019 respectively. Therefore, treating the case of the petitioner on same parity, he may be granted the concession of anticipatory bail. In pursuance to the direction issued by this Court vide order dated 26.09.2019, he has joined the investigation. Though, petitioner is named in the FIR, but there is no allegation of cheating or fraud against him. Even a single penny was never entrusted to him by the complainant. He was only an intermediary to the transaction between complainant and the finance company, owned by Saurav Chauhan. The petitioner was not the beneficiary in any manner. Even otherwise, a sum of Rs.42,00,000/- was returned to complainant vide receipt (Annexure P-4) in view of the compromise (Annexure P-3) between complainant and the main accused Saurabh Chauhan. Petitioner is not required for any custodial interrogation.

Refuting the above submission, learned counsel for complainant submits that complainant is an illiterate lady. She had received aforesaid amount on account of acquisition of her land. Her husband expired long back. She has minor children. Taking advantage of her illiteracy and loneliness, petitioner alongwith his accomplice fraudulently took a sum of Rs.3.5 crores from her. The alleged compromise and receipt (Annexures P3 and P4) are forged and fabricated documents. Before the Coordinate Bench, concealing the fact that above receipt (Annexure P-4) and compromise

(Annexure P-3) were forged and fabricated documents, co-accused of petitioner namely Saurabh Chauhan and Surinder Singh alias Surinder Dhuman have illegally obtained the concession of anticipatory bail. Even two cheques amounting to Rs.1.5 crore each handed over to complainant under the garb of alleged compromise have also bounced. Thus, complainant has not received even a single penny till date from the petitioner or his accomplice.

Having given thoughtful consideration to the rival submissions, this court finds that the petitioner does not deserve any concession of anticipatory bail, inasmuch as, the complainant has been induced and duped for Rs.3.5 crores by a group of cheaters in which petitioner is one of the members. The money has been paid by complainant to accused party through bank transactions. Therefore, there is a complete truth in the version of complainant regarding handing over Rs.3.5 crores by her to accused persons.

The case of the petitioner cannot be treated on the same parity as that of his co-accused Saurabh Chauhan and Surinder Singh alias Surinder Dhiman, who have been granted the concession of anticipatory bail by a Coordinate Bench vide order dated 20.09.2019 in CRM-M-34033 and 36574-2019 respectively, in view of the submissions of learned counsel for complainant/petitioner qua forgery of compromise and receipt (Annexures P3 and P4).

Accordingly the instant petition stands dismissed.

The FIR in the instant case was registered on 23.02.2019 on the statement of complainant. The police is investigating the case at a very slow pace for the reasons best known to it. It is a case,

where investigation ought to have been done by an IPS officer, but the same has been given to an Assistant Sub Inspector, who is the lowest in rank in police department which shows callous attitude of police department of Punjab.

Considering the facts and circumstances, the Senior Superintendent of Police, Fatehgarh Sahib is directed to investigate the matter himself/herself by withdrawing the same from the present investigating officer so that the complainant get justice.

15.01.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No