

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-244-2020
Date of Decision: 01.09.2021

Ranjit Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prashant Vashist, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. A.P.S. Gill, Advocate, for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in case FIR No.47 dated 20.11.2019, under Sections 406 and 420 of the IPC, registered at Police Station Kabirpur (Ahalikalan), Kapurthala.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and the petitioner is not involved in any business of sending persons abroad and it was only because the complainant is relative of the petitioner and some money was transferred which was not concerning any kind of assisting them for sending abroad but it was between the relatives *inter-se* and taking advantage of the same that the present FIR has been lodged which can at the least be termed as a civil

dispute but has been given a criminal flavour. He submitted that the financial dispute between the parties was resolved and a compromise was also made for a sum of Rs.4 lakhs out of which admittedly Rs.2 lakhs have been given to the complainant. He submitted that so far as the other accused, namely, Hardish Singh is concerned, he is already abroad and although proceedings under Section 82 of the Code of Criminal Procedure have been initiated against him but that would not become a ground for the denial of the anticipatory bail to the petitioner. He submitted that an FIR cannot be lodged only for the purpose of recovery of money as would amount to abuse of the process of law.

This Court on 08.01.2020 had directed the State to file a specific affidavit with regard to the involvement of the petitioner in any other case, if any. An affidavit of Deputy Superintending of Police, Sub Division Sultanpur Lodhi, District Kapurthala has been filed which is taken on record.

Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab while referring to para No.7 of the affidavit filed by the State has submitted that the present petitioner is not involved in any other case except the present FIR and so far as the allegations made in the FIR are concerned, the remaining amount of Rs. 2 lakhs is yet to be recovered from the petitioner.

Mr.A.P.S.Gill, learned counsel for the complainant has submitted that it is a case where the petitioner along with his brother has cheated the complainant and taken away an amount of Rs. 8 lakhs although Rs.2 lakhs have been recovered back by the complainant. He submitted that the remaining amount is yet to be recovered.

I have heard learned counsel for the parties.

In the present petition as per the allegations in the FIR and prosecution story the petitioner and his brother had taken Rs. 8 lakhs on the pretext of sending the complainant to Spain and, thereafter, he has not returned the amount of money except for Rs.2 lacs, which was a result of a settlement between the parties. It has been stated in the affidavit filed by the State that the petitioner is not involved in any other case.

The learned counsel for the petitioner has specifically submitted that the petitioner is not involved in such kind of business and it was a case of a financial transaction between the petitioner and the complainant who are otherwise related to each other and a civil dispute has been given a criminal flavour. The arguments advanced by the learned counsel for the petitioner does carry some weight.

In view of the facts and circumstances of the present case, the present petition is allowed. It is directed that the petitioner shall join the investigation and shall cooperate with the investigation process as and when required by the Investigating Officer and in the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.

01.09.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No