

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1614-2021 (O&M)
Date of Decision:- 29.9.2021

Maninder Pal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Hira Singh.

Mr. Rishu Mahajan, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.39 dated 13.3.2019, Police Station Division-6, District Police Commissionerate Jalandhar, under Sections 406 and 420 IPC.
2. As per the case of prosecution the FIR was lodged by Rupinderjit Kaur wherein it is alleged that petitioner-Maninder Pal Singh was known to her and to other members of her family and he represented that he was running a firm dealing in investment of money with

high results. The complainant being taken in by the said representation, invested an amount of Rs.7.60 lakhs in the said firm of the petitioner who promised to pay hefty returns and issued a receipt dated 1.9.2017 regarding the deposit in the name of Rupinderjit Kaur and Jaideep Singh. However, later when the complainant was in need of money in December, 2017, she approached the petitioner for release of payment, but he started dilly dallying the matter on one pretext or the other and did not pay even a single penny. Later, the complainant came to know that the petitioner had committed fraud with several other persons. It is further alleged that subsequently on a complaint filed by the complainant to the police, the matter was compromised on 26.5.2018 and the petitioner had agreed to pay an amount of Rs. 8,43,600/- on or before 31.8.2018 but he did not honour the said commitment as well.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and in fact it is a case purely of civil nature which is being given the colour of criminal liability. Learned counsel has submitted that in fact the complainant has not come out with clean hands and has referred to some investment made in the year 2017, whereas in fact there have been transactions amongst the parties right from the year 2014, as would be evident from the various receipts, which show that the complainant had earlier also invested alongwith Jaideep, son of the complainant. Learned counsel has submitted that in fact the complainant also refers herself as Sukhmeet Kaur. It has been submitted that in any case the name of

her son Jaideep is clearly mentioned in the said receipts and they have been getting returns in respect of the investments, but on account of some financial crunch somewhere in the year 2017 particularly on account of some misappropriation committed by the employees of the firm, the payments could not be made to the complainant in time and the instant FIR came to be lodged.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the petitioner had virtually admitted his guilt before the police when he agreed to pay an amount of Rs.8,43,600/- vide agreement dated 26.5.2018 and since not even a single penny had been paid thereafter, the petitioner does not deserve the concession of bail. Learned State counsel has however, informed that the petitioner has since joined investigation. Learned State counsel has informed that the petitioner had been declared a 'Proclaimed Offender' at one stage.
5. I have considered rival submissions addressed before this Court.
6. It does transpire that there have been some monetary transactions going on between the parties since the year 2014, but somehow on account of certain dispute having arisen in the year 2017, the instant FIR came to be lodged. It will be debatable as to whether it is a case purely of civil liability or as to whether it can be said that the petitioner had an intention to defraud the complainant right from the beginning. As far as the contention regarding the petitioner being a 'Proclaimed Offender' is concerned, the said order has already been challenged in this Court wherein the said order has also been stayed

by this Court vide order dated 9.8.2021 passed in CRM-M-17857-2021. In any case, since the petitioner has already joined investigation, this Court is of the opinion that his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.8.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.9.2021
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(GURVINDER SINGH GILL)
JUDGE

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