

CRM-M-2402-2021

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

CRM-M-2402-2021

Date of Decision: 18.01.2021

Varinder Puri and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kehar Singh Hissowal, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through Video Conferencing.

The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondent No.2 to consider the representation of the petitioners for conducting a fair and high level inquiry in case bearing FIR No363 dated 13.07.2020, under Sections 120-B, 406, 420 and 506 IPC, registered at Police Station Shahbad, District Kurukshetra.

Learned counsel for the petitioners contends that petitioner No.1, who is a religious person, is running a cowshed(*gaushaala*) and a registered charitable trust; that petitioner No.2 is merely his associate, and that the alleged transaction took place in May, 2017, but the above-noted FIR was got registered by the complainant in the year 2020. It is further submitted that neither any amount in cash had ever been paid by the complainant to petitioner No.1 nor had it been deposited in his account in any manner and rather it was deposited in the accounts of other persons, who have had no concern with petitioner No.1. The petitioners have falsely

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been implicated in the present case.

Notice of motion.

On the asking of this Court, Mr. Apoorv Garg, DAG, Haryana, accepts notice on behalf of respondents No.1 to 3.

At this stage, Mr. Raghav Sharma, Advocate, puts in appearance on behalf of respondent No.4-complainant.

Learned State counsel, assisted by the learned counsel for respondent No.4, submits that the petitioner had duped the complainant of a huge amount of Rs.16 lakh approximately on the allurements of obtaining a work Visa for her family in Canada. On the asking of petitioner No.1, the complainant had deposited an amount of Rs.10 lakh in the names of various persons, who are the Chelas of petitioner No.1. Besides, a sum of Rs.4,75,000/- in cash had also been paid by the complainant to petitioner No.1. It is also submitted that after a detailed inquiry conducted by the DSP concerned, the above-noted FIR has been registered.

I have heard the learned counsel for the parties.

Vide order dated 25.09.2020 passed in CRM-M-21777-2020, this Court while dismissing the petition filed by the petitioner seeking anticipatory bail, had taken into consideration the pleas taken by the petitioner. Relevant extracts of the order dated 25.09.2020 would read as under:

“Though the petitioner has denied the aforesaid allegations, yet there is no decipherment on behalf of the petitioner as regards not having received the amount on different dates in the names of different persons and in cash as well, as alleged in the FIR by the complainant. It is only averred that no

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amount had been received in the account(s) of the petitioner or the other persons. However, no account details of the said persons or the petitioner have been enclosed with the present petition in support of such assertion. Similarly, the complainant has specifically alleged in the FIR that she after having sold her gold ornaments, had paid an amount of Rs.4,75,000/- in cash to the petitioner and process fee of Rs.1,36,592/- was also paid through the credit card of her father-in-law. During the inquiry conducted by the Deputy Superintendent of Police, Pehwa, the complainant in her statement stated that her father Paramjit Singh had been the follower of Anami Dera, Ludhiana, being run by the petitioner, for the last 20 years and during her and husband's visit to said Dera, the petitioner had assured to send them Canada and said that the expenses therefor would be Rs.15 lakh. Thus, a complete chain of events of inducement and misrepresentation leading to the duping of the complainant by the petitioner, has been given in the FIR.

The allegations against the petitioner are serious in nature and thus, the custodial interrogation of the petitioner is necessary.”

The prayer made in the present petition is not tenable for the reason that once the FIR stands registered, the allegations contained therein can only be judicially scrutinized on the basis of evidence led by the parties. Such process cannot be scuttled by way of ordering an inquiry at this stage. The petitioners will have ample opportunity to prove their innocence during the course of trial. Thus, there is no merit in the present petition.

In view of the above, no ground is made out to grant the relief as prayed for in the present petition.

Dismissed.

18.01.2021

parveen kumar

Note:

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

: Yes/No

: Yes/No