

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

**CRM-M-5893 of 2021
Date of Decision: 09.02.2021**

Avinash Kumar @ John

Petitioner

Versus

State of Punjab

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.
Mr. Karan Padam, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a second petition for grant of anticipatory bail in FIR No. 239 dated 22.7.2020, under Sections 420/120-B IPC, registered at Police Station Division No. 8, Ludhiana.

The FIR was at the behest of Sukhwinder Singh. The allegations were that his nephew met with an accident on the intervening night of 25/26.6.2020. He suffered grievous injuries and admitted in DMC Hospital. Meantime, he came to know that some persons including the petitioner were holding banners with photograph of his nephew and were collecting money from people for medical treatment at different chowks by holding boxes.

Earlier the petitioner approached this Court for anticipatory bail by filing CRM-M No. 28309 of 2020. On 17.9.2020, the following order was passed:

“Learned counsel for the petitioner while arguing the matter submits that the petitioner is running a separate NGO and is not part of the NGO run by Harpreet.

On a pointed query during the proceedings as to whether the NGO of the petitioner is registered, how much is collection from the donations, the aims and objects of NGO and how the money collected is spent, learned counsel for the petitioner states that the said information is not available as on date with the petitioner. He seeks permission to withdraw the present petition with liberty to file a fresh one with better particulars including the particulars asked for today.

Dismissed as withdrawn with liberty as prayed for.”

The anticipatory bail is sought on the basis of compromise. On a pointed query from learned counsel for the petitioner that details as asked for previously are not mentioned in the petition, he submits that the said details are not available. The contention is that as the matter has been compromised, the concession of anticipatory bail should be granted.

Learned counsel for the complainant submits that he has no objection in allowing the prayer.

At this stage, learned counsel for the petitioner submits that certain documents were given for registering of the NGO of petitioner but the fate is not known and the client is not willing to give details in this regard.

Learned counsel for the State submits that though the amount involved in the matter is petty but considering that the act stated in the FIR involves number of persons and affects the public

at large, the matter needs to be investigated.

In earlier petition the contention of learned counsel for the petitioner was that the petitioner and Harpreet were running separate NGOs and due to rivalry, FIR was registered. There was nothing to support the fact that petitioner was running NGO. Even now in spite of withdrawing the earlier petition with liberty to give better particulars, no details are pleaded.

From the FIR, it is apparent that at least eight people were involved in collecting donations. The matter requires investigation to find out the roots of this type of collection and its working. Withholding of information by the petitioner raises serious doubt about acts of these two so called NGOs. The case of the petitioner is that though money was not collected from him but his nephew's photograph was used for collecting money from the public. The incident has a far reaching impact and it would be a moot question as to whether in such cases the complainant can compromise the matter.

The fact that there is a compromise after withdrawal of the first petition shows that the petitioner is in a position to influence the complainant and the witnesses. No case is made out for grant of anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

9th February, 2021
mk

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes