

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

CRM M-8998-2021

Date of decision: 04.10.2021

Rajan Babbar	Petitioner
versus	
State of Punjab	...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Harpreet S. Multani, AAG, Punjab.

FATEH DEEP SINGH, J. (ORAL)

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

This is the second anticipatory bail application filed by the accused/petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No. 0181 dated 13.04.2017 under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC registered at Police Station Civil Lines, District Amritsar.

Heard Mr. Rahul Bhargava, Advocate for the petitioner and Mr. Harpreet S. Multani, AAG, Punjab and perused the records.

Complainant Deepak Vig in his complaint made allegations that one Mr. Ramesh Kumar Shukla @ Safar had got fixed his and her wife's meeting with one Mr. Hawa Singh Tanwar introducing him to be a reputed person and the Secretary of some Human Rights Organization working in the name and styled as "Abhro" and Chief Editor of Sun Star Newspaper and represented that Hawa Singh Tanwar had links with higher echelons of various political and other organizations and under the guise of enrolling membership initially took a cheque for Rs.10,000/- from the complainant. That, thereafter, the accused impresses the complainant and induced to spend Rs. 50 lacs on the assurance of earning huge profits. Thereafter, Hawa Singh Tanwar again attracted the complainant and asked him to invest Rs.50 lacs more and promised to return back previous amount and in the process duped the complainant of Rs.88 lacs but failed to fulfil the promise of giving hefty returns on the amount that was invested by the complainant. Thereafter, it is revealed that Hawa Singh Tanwar along with the accused and the petitioner were trying to hoodwink the complainant and many

other persons leading to the registration of the present case.

Mr. Rahul Bhargava, learned counsel for the petitioner *inter alia* contends that no role is attributed to the petitioner in the commission of the offence and who was earlier held to be innocent in a inquiry made by the police and prayed that since nothing is to be recovered from the petitioner, he be allowed bail.

Learned Mr. Harpreet S. Multani, AAG, Punjab had strongly opposed the bail on the grounds that the inquiry so claimed to have been conducted was not given final effect to on account of contrivances therein. It is alleged that the petitioner is absconding since the day of registration of the present case and sought to submit that bail application of H.S. Tanwar has been declined by this Court as well as by the Hon'ble Supreme Court and, therefore, prayed that custodial interrogation is very much essential.

Appreciating the submissions, admittedly, principal accused H.S. Tanwar has since been declared proclaimed offender on 20.11.2019, the present case was got registered on

30.04.2017 and since that day the petitioner Rajan Babbar is absconding is illustrative of his conduct in this episode. The allegations that have come up before this Court specify specific role to Rajan Babbar and his co-accused Rupinder Kaur witnesses to the agreement which turned out to be fake and forged one as per the report of the forensic science laboratory .

In the light of the same, custodial interrogation of the petitioner is very much essential. More so, provisions of Section 438 Cr.P.C. are to be sparingly used.

Hence, the petition stands dismissed.

04.10.2021
amit rana

(FATEH DEEP SINGH)
JUDGE

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