

Rajiv Kumar
Versus
State of Punjab

...Petitioner

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.118, dated 06.07.2020, having been registered at Police Station Nurpur Bedi, District Rupnagar, alleging therein the commission of offences punishable under the provisions of Sections 406/420/120-B of the IPC.

Upon notice of motion having been issued on the last date of hearing learned State counsel submits that in fact a reply on behalf of the respondent State was filed in the Registry on 16.04.2021, but that is not on record.

He reads from there to the effect that the petitioner is the husband of Hemlata, for whom the prime accused named in the FIR, i.e. Lal Chand/Lal Singh was working (with Lal Singh having died thereafter in November, 2020).

He further submits that out of the amount of Rs.1.50 lakh plus given by the complainant to Lal Singh, he gave Rs.95,000 to Hemlata, who

thereafter transferred the amount to one Balkar Singh Sandhu in Malaysia, who thereafter, in turn, handed over the said amount to the petitioner, who also lives in Malaysia.

Learned counsel for the petitioner however submits that the allegation is that Balkar Singh gave the money to one Pardeep Kumar, who then handed it over to the petitioner.

A perusal of the enquiry report appended alongwith the FIR (as part of Annexure P-1), shows that it is also stated therein that there was an e-mail exchange between Lal Chand and the petitioners' wife, Hemlata, showing that the documents pertaining to the complainants' son (for the purpose of sending him abroad) were e-mailed to Hemlata, who thereafter, vide a Whatsapp communication from her phone number, sent the account number of Balkar Singh Sandhu to Lal Chand/Lal Singh, but with him not having deposited the amount in her account, he gave it to her directly in cash (as per the statement of Lal Chand before the police, as stated in the report).

Learned counsel for the petitioner submits that even if the contentions against the petitioners' wife are to be *prima facie* believed (though denied), that does not prove the petitioners' involvement in the matter in any manner whatsoever.

He further submits that thereafter the FIR has been registered alleging therein the commission of offences punishable under Section 406 read with Section 120-B of the IPC, but with no offence under the provisions of Section 120-B of the IPC maintainable after the FIR was registered, as no conspiracy was actually proved.

Even having considered that contention, considering the fact that e-mail exchange between Lal Chand/Lal Singh and the petitioners' wife was found in the enquiry by the police, with copies of the documents pertaining to complainants' son transferred to the petitioners' wife, and with the petitioner being in Malaysia where the complainants' son was sent, I would find no ground to entertain this petition any further.

Consequently, without making any comment on the actual merits of the case, but in my opinion it not being a case where the concession of anticipatory bail at least can be granted to the petitioner, the petition is dismissed.

Obviously, in case the petitioner is arrested and thereafter he files any petition under the provisions of Section 439 of the Cr.P.C., that would be considered wholly on its own merits.

April 20, 2021
dharamvir/

(AMOL RATTAN SINGH)

JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO