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

CRM-M-27188-2021 (O&M)
Date of Decision: August 25, 2021.

Manjit Singh Gill

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

**PRESENT: Mr.Amit Arora, Advocate,
for the petitioner.**

**Mr.Randhir Singh Thind, Deputy Advocate General,
Punjab.**

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in FIR No.91 dated 26.04.2021, registered under Section 420 IPC, 1860, at Police Station Cantonment, District Amritsar.

As per the FIR which has been annexed as Annexure P-1 with the present petition, the complainant namely Avtar Singh son of S.Gurnam Singh, lodged a complaint before the police by alleging that he is having a matrimonial dispute with his wife for the last 5-6 years and they are having cases pending against each other in the Courts at Amritsar

because of which he was spending his life under mental pressure. He is also having close relations with the ex-Sarpanch of the village namely S.Sukhchain Singh, who is in turn in contact with petitioner Manjit Singh Gill and his family members because of which he came to know about said Manjit Singh Gill (Petitioner) and his wife Harpreet Kaur and their son Aalam. The above said Manjit Singh Gill (Petitioner) in connivance with his wife and son used to tell him that District and Sessions Judge, Amritsar, Sh.Balwinder Singh Sandhu, is his maternal uncle and he is very close to him and they have got many big disputes solved through them. Manjit Singh Gill (Petitioner) and his wife and son were having complete knowledge that the complainant is in litigation with his wife in the Courts and all the three persons in connivance with each other in front of the Sarpanch started alluring the petitioner by stating that after talking to his maternal uncle who is the District and Sessions Judge, Amritsar, the matter will be compromised and after that the accused persons stated to him that he has talked to the aforesaid District and Sessions Judge, Amritsar and stated that the complainant has to pay Rs.8 lacs and the matter will be compromised with his wife and all the cases will be finished. It is further stated that since the complainant is entangled in various cases in Courts for last many years and there was a mental pressure on him, he fell prey to their demand. In the month of April 2020, when the lock-down curfew was imposed, at that time the petitioner told him to bring Rs.2 lacs in his house and he along with his sister Gurmit Kaur and other relatives went to the house of petitioner at the given address and handed over Rs.1,80,000/- to the petitioner, his wife and his son and after counting the same they kept the same and all the three

persons assured him that there is nothing to worry and told him to arrange the remaining amount at the earliest and stated that there is the hand of their maternal uncle who is the District and Sessions Judge, Amritsar, on his head and stated that all cases of the complainant will be finished. Thereafter, in the month of June 2020, the complainant took Rs.4 lacs to the house of the petitioner who along with his wife and his son received the same in the presence of his sister namely Gurmit Kaur and Sukchain Singh and the petitioner assured him that his maternal uncle who is the District and Sessions Judge, Amritsar, has started the action on his cases and the result will be in his favour at the earliest. Thereafter, one Gurpreet Kaur, resident of village Verka, met the complainant and the complainant talked with her who told that the petitioner and his family members are cheaters and they have also committed cheating with her in the same way by alluring her and on coming to know about the cheating committed by the petitioner and his wife and son, the complainant after taking the Sarpanch with him met the petitioner and his wife and son and told them that in case they cannot get his work done then they should return the amount on which the petitioner showed pistol towards him and threatened that they know to get the money but not to return the same and while shouting stated to his son to bring 315 bore rifle and stated that let us give them their money back today and on this, the son of the petitioner brought 315 bore rifle and both these persons were about to kill him but the Sarpanch saved him and his wife Harpreet Kaur also came and started giving threats to the complainant. In this way, the petitioner along with his wife and son have cheated the complainant for an amount of Rs.5,80,000/- and there are various photographs and video

clips of the matter as proof.

Learned counsel for the petitioner has submitted that in the present case the petitioner was falsely implicated on the basis of a concocted story. He has submitted that, in fact, there was a matrimonial dispute of the complainant with his wife and the petitioner was only a mediator and he had taken the amount of money from the petitioner which was an amount of settlement between the husband and the wife and which was to be handed over to the wife of the petitioner but the complainant has filed a false affidavit against the petitioner and in fact, the amount which was settled between husband and wife was handed over to the wife of the petitioner. He has submitted that it is correct that Mr. Balwinder Singh Sandhu, District and Sessions Judge, Amritsar, is the maternal uncle of the petitioner but he has never used his name for the purpose of settlement of the disputes and has therefore, prayed for the grant of anticipatory bail to the petitioner.

On the other hand, learned State counsel has submitted that a detailed affidavit has been filed by the Assistant Commissioner of Police (West), Police Commissionerate, Amritsar. While referring to the aforesaid affidavit filed by the Assistant Commissioner of Police, learned State counsel has submitted that from the perusal of the antecedents with regard to the petitioner, it has transpired that several complaints have been moved by different-different persons against the petitioner for cheating them in the name of Sh. Balwinder Singh Sandhu, District and Sessions Judge, Amritsar and accordingly, a recommendation was made for registration of FIR/case against the petitioner after seeking legal opinion

from the learned D.A. Legal, Amritsar. The Commissioner of Police thoroughly perused and considered the report of DCP (Investigation) and while agreeing with the same, approved it with the directions to the SHO, Police Station Cantonment, Amritsar to register the case and to commence with the investigation and consequently the present FIR No.91, dated 26.04.2021 was registered under Section 420 IPC. Further referring to the contents of the affidavit, learned State counsel has submitted that during the course of investigation statements of the witnesses were recorded under Section 161 Cr.P.C. and notices under Sections 41-A Cr.P.C. were also issued to the petitioner to join the investigation of the present FIR/case. However, the said notices could not be served upon the petitioner as he was not present at his house and his house was found to be locked as per the report of serving official. However, the bank account, pen drive, video recording and telephonic conversation of the petitioner and the complainant were taken into police possession. Since the petitioner did not join the investigation of the present case, raids were conducted at the house of the petitioner as well as other suspected places to arrest him but he could not be arrested and is evading arrest and is on run. Even secret sources were deputed to trace out the whereabouts of the petitioner in the present case but in vain.

Learned State counsel while referring to para No.4 of the affidavit has submitted that apart from the present FIR the petitioner is also involved in FIR No.56 dated 22.03.2014 under Sections 506/511 IPC and Section 25/54/59 of the Arms Act registered at Police Station Cantonment, Police Commissionerate Amritsar, which is under investigation. He has

further brought to the notice of the Court that after filing of the present affidavit by the Assistant Commissioner of Police, another FIR bearing No.181 dated 09.08.2021, under Section 420 was also lodged against the petitioner at Police Station Cantonment, Amritsar on similar set of allegations on the basis of a complaint of some other person and the same modus operandi was alleged by taking the name of the learned District and Sessions Judge, Amritsar. He has further submitted that various other complaints have been received against the petitioner on the same set of allegations of cheating and duping the public on the pretext of getting their work done in the name of the then District and Sessions Judge, Amritsar, which are under preliminary inquiry and strenuous efforts are being made to take the same to its logical conclusion. Furthermore, it is stated in the affidavit that the allegations levelled against the petitioner are serious in nature and custodial investigation of the petitioner is required at this stage, in order to cull out the true facts and to take the investigation of the present FIR/case to its conclusion and that in case the concession of anticipatory bail is granted to the petitioner then there is every likelihood that the petitioner will not cooperate with the investigation process and will not get any recovery effected and may tamper with the evidence and or influences the witnesses and escape from the clutches of law by evading the process of law. He has further submitted that the FIR was lodged on 26.04.2021 and the petitioner is on the run and is evading arrest. He has submitted that in view of the seriousness and magnitude of the present case where many other complaints of similar nature have been received against the petitioner, custodial investigation of the petitioner is essential for the purpose of

elicitation of truth and therefore, he has opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

The allegations contained in the FIR and the affidavit filed by the State are certainly serious in nature. However, seriousness of case per se is not a ground for denial of anticipatory bail. The liberty of an individual has to be balanced with other co-factors i.e. the seriousness of the case; the magnitude of allegations; adverse social impact; public interest involved and antecedents of the petitioner etc. In the present case the allegation against the petitioner is that he allegedly took money in the name of a serving judicial officer who was District and Sessions Judge, Amritsar and a lot of litigation was pending between the complainant and his wife at District Courts Amritsar. Had it been an isolated case, the petitioner may have some grievance that it is a concocted story by the complainant. But from the affidavit filed by the State and the submissions made by the learned State counsel, it has come to light that not only this case but some other complaints have also been received on similar set of allegations and in one of the FIR i.e. FIR No.181 dated 09.08.2021, the same modus operandi was allegedly adopted by taking the name of some judicial officer who is admittedly the maternal uncle of the petitioner. All these factors would certainly disentitle the petitioner for the concession of anticipatory bail.

In view of the above, I do not deem it fit and proper to grant the concession of anticipatory bail to the petitioner and consequently the present petition is dismissed.

However, anything observed hereinabove shall not be

treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

August 25, 2021
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking
Whether reportable

:
:

Yes/No
Yes/No