

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

**CRM-M-27204-2021 (O&M)
Date of decision: 20.07.2021**

Darpan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jasdeep Singh Gill, Advocate and
Mr. Sanjiv Ghai, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.243 dated 24.06.2021, registered under Sections 406, 420 IPC and Sections 506, 120-B IPC (added later on), at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner states that the petitioner has no role to play in the alleged incident and has falsely been implicated in the present case. The complainant alleged that the petitioner had cheated him to the tune of Rs.1.35 crore on the pretext of supplying of 19 kgs. of gold by hatching a conspiracy with the other co-accused. Though the complainant in his statement stated that he had tried to commit suicide on the river side, but

was saved by some stranger, yet he was let go by the Investigating Officer, without taking any action against him.

Learned counsel for the petitioner further submits that the petitioner is earning his livelihood by running a cycle repair shop and thus, the allegation in the FIR that the petitioner is a 'king pin', is totally unfounded. The wife and the son of the petitioner are mentally retarded and the petitioner has to manage everything of his own. The simple financial dealings between the petitioner and the complainant, has been given a shape of a criminal offence, and that there is no dishonest intention on the petitioner's part. The petitioner is ready to join the investigation. With regard to the allegation that Sunny, brother of the petitioner had promised to return the money before March, 2020, learned counsel submits that the petitioner does not have any brother with the name of Sunny. The main allegations have been levelled against co-accused Ashok. Since the complainant and the petitioner are known to each other, the petitioner for running his business had borrowed Rs.15,000/- from the complainant, who is in to a business of lending money, and the said amount was duly returned.

It is still further argued that the prosecution version is not believable, inasmuch as, the complainant alleges that he has paid Rs.1.35 crore in lieu of supply of 19 kg gold, but no receipt qua the same has been placed on record. The entire money transaction took place between co-accused-Ashok and the complainant and not a single penny had been paid to the petitioner.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and submits that the complainant has specifically stated that the petitioner and co-accused in connivance with each other, had cheated him to the tune of Rs.1.35 crore on the pretext of supplying 19 kg gold, which had been given in various installments. The complainant has further specifically alleged as to how, the accused extracted an amount of Rs. 25 lakh from him under the false claim of the gold having been confiscated by the Government. However, 19 kg gold was never handed over to the complainant. The complainant tried to commit suicide but had been saved by some stranger. He further submits that the investigation is going on and there are specific allegations against the petitioner and as such, the petitioner is not entitled to the concession of bail.

I have heard the learned counsel for the parties.

In the present case, the petitioner has been specifically named in the FIR being a part of the entire financial scam. The investigation is still going on and the entire dealing pertains to the financial transactions, which, it appears, were based on the fiduciary relationship between the complainant and the accused person. The allegations levelled against the petitioner are serious in nature and there is an apprehension that, in case, the petitioner is granted anticipatory bail, every effort may be made by him to throttle the investigation process.

It is a case, in which, there are specific allegations against the petitioner and co-accused that they are running a fake gold racket and have defrauded the complainant to the tune of Rs. 1.35 crore.

In view of the above, I do not find any ground to grant the concession of anticipatory bail to the petitioner as an extra-ordinary relief and for full and fair investigation his custodial interrogation is required.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

20.07.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No