

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

**CRM-M No.29699 of 2021
Date of Decision:-13.10.2021**

Babbar Bhan and another

.....Petitioners.

Versus

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Munish Behl, Advocate
for the petitioners.

Mr. Apoorv Garg, D.A.G, Haryana.

Mr. Saurabh Sharma, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.

Both the petitioners herein seek the relief of anticipatory bail in the criminal case pertaining to the FIR bearing No.173 dated 21.06.2021 registered at Police Station Mahesh Nagar, District Ambala, under Sections 120-B, 406, 420, 506 IPC wherein the offences under Sections 212, 328 and 392 IPC are stated to have been added subsequently.

Shorn and short of unnecessary details, the allegations, as levelled against the petitioners in the subject FIR, are that they conspired with their co-accused and hypnotised the complainant named Sanjeev Kumar and thereby, fraudulently/deceitfully obtained an amount of Rs.1,52,50,000/- from him on the pretext of providing him the medicine for

the treatment of Cancer.

Reply has already been filed on behalf of the respondent-State by way of the affidavit of Deputy Superintendent of Police, Ambala Cantt.

I have heard learned counsel for the petitioners as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

Learned counsel for the petitioners contends that both the petitioners have been got falsely implicated in the said FIR whereas they had no concern with and no role to play in the alleged crime because the said amount had been paid by the complainant to accused Harpreet and therefore, they deserve the relief as sought in this petition.

Per contra, learned State counsel argues that the petitioners had introduced accused Harpreet and their other co-accused to the complainant and all of them had hatched a conspiracy to cheat him (complainant) and had allured him to pay money to them on their false assurance of giving him the medicine for treating Cancer and thus, the petitioners had played an active role in the crime and it being so, this petition be dismissed.

It has specifically been alleged in the afore-said FIR that petitioners Vinod Kumar and Babbar Bhan and their co-accused Harpreet, had met the complainant and they had introduced him (complainant) to their co-accused Rajinder Nagar. As mentioned in para 4 (reply on merits) of the Reply, the petitioners were accompanying their co-accused at the time of receiving the said amount from the complainant and in para 17

therein, it has been further stated that the recovery of the amount of the share of the petitioners is yet to be effected from them. In such circumstances, the possibility of the requirement of the custodial interrogation of the petitioners for the said purpose cannot be ruled out.

Then, as mentioned in para 18, the petitioners are the habitual offenders and they have not co-operated with the police and have fled away.

To add to it, in para 11 (preliminary submissions in the Reply), it has also been mentioned that the petitioners are involved in two more criminal cases of the similar nature as detailed therein.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioners, this Court is of the considered opinion that they (petitioners) do not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

October 13, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*