

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

CRM-M-26077-2020(O&M)

Date of Decision:20.09.2021

Pawan Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Ankit Bishnoi, Advocate,
for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.117, dated 03.10.2018, having been registered at Police Station Arniwala, District Fazilka, alleging therein the commission of offences punishable under Sections 420/465/467/468/471/120-B of the IPC and Sections 4/76 of the Chit Funds Act, 1982.

In terms of the orders passed on 21.12.2020 and 10.03.2021, an affidavit of the SSP, Fazilka, is on record (dated 11.03.2021, with it already taken on record 23.03.2021), stating to the effect that the FIR in question is registered against two accused, i.e. the petitioner, Pawan Singh and one Rajwinder Singh, on the application of Veer Pal Kaur, with Rajwinder Singh being a resident of Bathinda, but with him having been in judicial custody in the context of another FIR registered against him; and upon production warrants being obtained to secure his presence, he was also arrested in the context of the FIR in question presently.

He has further stated in the affidavit that the petitioner was actually working as a Field Officer in M/s Dream Way, which is a firm/company started by his co-accused Rajwinder Singh, with both of them alluring the complainant and 100s of others to deposit money in the company, on the promise that they would be given 'domestic articles' etc. but with neither that having been done nor with the money invested having been returned, the total alleged to have been 'gathered' being Rs.4,43,700/-.

Eventually, it has been stated by the SSP that Rajwinder Singh is in custody, but upon the petitioner having joined the investigation on 01.12.2020, he did not co-operate with the investigating officer, in as much as, firstly, the *modus operandi* of the entire operation is to be determined and money also recovered.

Learned counsel for the petitioner on the other hand submits that Rajwinder Singh also having been admitted to bail subsequently under the provisions of Section 439 of the Cr.P.C., the interim order passed in favour of the petitioner may be made absolute.

Having considered the matter, looking at the allegations against the petitioner with him having falsely stated before this court that he is only a labourer, I see no reason to continue with this petition, which is consequently dismissed, with the interim order vacated.

However, nothing stated by this court in any order shall be taken to be an observation by this court on the merits of the case, for or

against petitioner, with naturally the trial court to proceed with the trial wholly on the basis of the evidence led before it.

September 20, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO