

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

**CRM-M-42918-2021
Date of decision: 14.10.2021**

Devinder Kumar Ghai

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pranav Handa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 64 dated 09.06.2021, registered under Section 420 of the IPC at Police Station Garhdiwal, District Hoshiarpur.

Learned counsel for the petitioner submits that the FIR was registered on the statement of complainant Dinesh Sharma with the allegations that the petitioner has taken an amount of Rs. 1.5 Lakh from him for providing a job to his wife, however, neither any job was provided nor the money was returned.

Learned counsel for the petitioner further submits that complainant has approached higher police officials, wherein an enquiry was conducted and thereafter, during enquiry when the petitioner appeared before the SSP, he was asked to sign an affidavit dated 09.09.2021 acknowledging that he has taken an amount of Rs. 1.10 Lakh from complainant Dinesh Sharma.

Learned counsel for the petitioner further submits that the allegations in the FIR are false and the petitioner has been falsely implicated in this case as there is no such payment of money.

Learned State counsel, on instructions from ASI Darshan Singh, has opposed the prayer on the ground that when the petitioner was called during enquiry, he had given the said affidavit on his own free will so that he cannot be arrested, however, later on, he refused to return the amount and rather has filed the anticipatory bail application.

After hearing learned counsel for the parties, considering the allegations in the FIR as well as the very fact that the petitioner had given an affidavit/undertaking that he would pay the amount back and on that account, he was not arrested in order to enable him to pay the amount, however, later on, he resiled from his own affidavit and now has raised a plea that the said affidavit was procured under force, I find no ground to grant him the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

14.10.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No