

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2-2021 (O&M)
Date of Decision: 07.12.2021

BIKRAM SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Neeraj Madaan, Advocate for the petitioner
Mr.Amandeep Singh Gill, Senior D.A.G., Punjab
Mr.Ashish Pal Kaushal, Advocate for the complainant

Deepak Sibal, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.123 dated 18.04.2020 registered under Sections 406, 420, 120-B IPC at Police Station Sadar Fazilka, District Fazilka.

Briefly stated, the case of the prosecution is that the petitioner, along with his co-accused, which includes a self styled *Baba*, defrauded the complainant, a hapless lady for an amount of Rs.10 lakhs on the pretext of conducting ceremonies/ *hawan* at her house to ward off evil spirits for the well being of her daughter.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no document placed on record, either by the State or by the complainant, which would show the petitioner's culpability in the alleged crime; the FIR in question is a counter blast to the proceedings initiated by the petitioner against the complainant

under Section 138 of Negotiable Instruments Act, 1881 (for short, the NI Act); on being summoned in the aforesaid proceedings under the NI Act the complainant appeared before the Trial Court but did not raise the plea as has been raised by her in the FIR in question and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Admittedly, in addition to the present case, the petitioner faces at least 3 other criminal cases. One of such cases contains similar allegations as in the instant case. The other 02 criminal cases are under the NDPS Act/ Arms Act. Thus, the petitioner is a habitual offender. He has also violated the conditions of bail on at least 03 occasions.

Further, in paragraph 13 of the present petition the petitioner specifically states that he is not involved in any other FIR and that no other criminal case is pending against him. To this effect an affidavit has also been filed by him. In the light of the afore admission with regard to pendency of 03 other criminal cases against the petitioner, his affidavit is false. Rather, to secure anticipatory bail, the petitioner has attempted to mislead this Court.

In view of the above as also because, in this case, the petitioner faces serious allegations of having conspired with a *Baba* to defraud a hapless lady of a huge amount of Rs.10 lakhs which she got after selling her land so that her daughter may be cured, the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which

investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

07.12.2021
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No