

101.

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

CRM-M-7964-2022

Date of Decision: 25.02.2022

(Heard through VC)

JOSEPH MASIH

.... Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashok Giri, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

JAISHREE THAKUR.J

1. This is a petition that has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.199, dated 14.08.2020, registered under Sections 420/120-B IPC at Police Station Tanda, District Hoshiarpur.

2. Learned counsel appearing on behalf of the petitioner would contend that the petitioner has been falsely implicated in the said matter as he has no role in duping the complainant who was allegedly to be sent to America by his son, Sam Thapar. It is further submitted that there is no specific allegation against the petitioner herein and all allegations in the FIR pertain to Sam Thapar, his son, while further contending that the co-accused Kulwant Thapar has already been allowed bail by the High Court on 18.11.2021.

3. In brief, the facts are that a complaint was made against Sam Thapar, Joseph Masih, Kulwant Thapar and Ashish Thapar, for duping the complainant of Rs.20 lakhs on the pretext of sending him abroad i.e. America. A sum of Rs.22 lakhs were demanded in this regard. In January, 2019, Rs.5,50,000/- was given in cash to Sam Thapar with the allegation that Sam Thapar and his father Yousaf Thapar, took that money from the complainant at Tanda with the assurance that the complainant would be sent abroad within a month of all the documents being complete. Rs.7 lakhs further were handed over and the petitioner was put to a flight to Romania with the assurance that he would be taken to America after a short stay in Romania and the flight would reach America via Russia and Cuba. The complainant never reached America and on expiry of his visa in Romania, he came back to India and got this FIR registered.

4. Learned counsel for the petitioner herein, while arguing for the grant of anticipatory bail, would contend that the main allegations in the petition are against Sam Thapar and that there is no entrustment of money to him, while further submitting that Kulwant Thapar and his other son have also been falsely implicated, however, these two have been allowed bail.

5. Learned counsel appearing on behalf of the respondent-State would submit that there are specific allegations in the complaint that both Sam Thapar and his father, the petitioner herein, have received money from the complainant at Tanda and, therefore, custodial interrogation of the father would be required as the accused Sam Thapar is not available and evading his arrest.

6. I have heard learned counsel for the parties and find no ground to interfere in the instant petition as the custodial interrogation of the petitioner would be required for proper investigation. As regard the plea that two co-accused have been allowed bail, the petitioner herein cannot seek parity. Kulwant Kaur has also been allowed to join investigation on the ground of her age and that there is no allegation of her having received any money. Similarly the brother of Sam Thapar has been allowed anticipatory bail as there are no specific allegations against him.

7. The present petition stands dismissed accordingly.

(JAISHREE THAKUR)
JUDGE

25.02.2022

sanjeev

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