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

CRM-M-27370-2022

Date of decision : 13.07.2022

Harinder Pal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.78 dated 03.04.2022 registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Shahkot, District Jalandhar Rural.

On 24.06.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The instant petition has been filed under Section 438 CrPC for grant of anticipatory bail to the petitioner in case bearing FIR No.0078 dated 03.04.2022 under Sections 406, 420 and 120-B of the IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Shahkot, District Jalandhar Rural.

Learned counsel for the petitioner contends that as per the allegations levelled in the FIR, the amount is stated to have been handed over in the year 2016 and that the present FIR is an abuse of the process of law as the registration of the case has taken place after a period of more than 05 years.

Learned State counsel has however pointed out that the petitioner had executed an agreement acknowledging having received the money on the pretext of sending son-in-law of the complainant abroad and had undertaken to repay the entire amount in installments. She further points out that the execution of the agreement and the admission itself shows that the petitioner is involved in the trade of sending people abroad and he had also received the money and has backed out from his commitment made in the said settlement, which is duly substantiated by an affidavit sworn by him. It is further pointed out that there are 02 other cases of similar nature that had been registered against the petitioner.

Prima facie, the Court is of the opinion that the petitioner does not deserve the concession of pre-arrest bail.

Learned counsel for the petitioner prays for some time to seek instructions as to whether the petitioner is ready and willing to repay the entire amount to the complainant in terms of the compromise executed and affidavit sworn by the petitioner.

On request, adjourned to 13.07.2022.

Sd/-(VINOD S. BHARDWAJ)

JUDGE

24.06.2022.”

Learned counsel for the petitioner has submitted that he has no instructions with respect to the question whether the petitioner is ready and

willing to pay any amount to the complainant.

This Court has considered the case on merits also.

A perusal of the FIR would show that Kamlesh Rani-complainant had levelled specific allegations against the present petitioner to the effect that he had promised the complainant and her son-in-law namely, Pawan Kumar, to send abroad and had stated that in the said process, an amount of Rs.12 lacs would have to be paid and the complainant and her son-in-law, being fraudulently induced by the petitioner, gave the passport of her son-in-law namely Pawan Kumar in the presence of witnesses which included Jagdsh Badera Shahkot (Ex. MC). It is further alleged that said amount of Rs.12 lacs was to be paid by way of two installments i.e. Rs.5 lacs and Rs.7 lacs respectively and neither the said amount has been paid nor son-in-law of the complainant has been sent abroad.

A perusal of the file would show that investigation, in the present case, was conducted by Deputy Superintendent of Police, Sub Division, Shahkot, District Jalandhar and after making due enquiry, he found the allegations levelled in the FIR to be correct and the petitioner had also executed the agreement dated 06.09.2021 in which, the petitioner had admitted to receiving an amount of Rs.7 lacs out of Rs.12 lacs and had stated that he was ready to repay the same but however, backtracked from the same. It was, thus, found that the petitioner had duped the complainant. Further, a perusal of para 7 of the order dated 17.06.2022 passed by the Additional Sessions Judge, Jalandhar rejecting the petition for anticipatory bail filed by the petitioner, would also show that the petitioner is involved in

two other cases of similar nature. It would be relevant to mention that wife of the petitioner had also sought anticipatory bail and in the said case, notice of motion was issued and interim protection was granted to her and in that case, primary argument raised by the wife of the petitioner was that she had been implicated solely on account of being the wife of the present petitioner.

Keeping in view the abovesaid facts and circumstances, the present petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

13.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No