

CRM-M-27977 of 2022

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

CRM-M-27977 of 2022
Date of Decision: 17.10.2022

Jaswant Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.P. Soi, Advocate, and
Mr. Sahil Soi, Advocate, for the petitioner.
Mr. Himmat Singh, Deputy Advocate General, Haryana.
Mr. Vineet Chaudhary, Advocate, for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.170 dated 28.05.2022 registered under Sections 420/406 IPC at Police Station Barara, District Ambala.

Brief facts of the case are that on 19.3.2022, complainant made a complaint against the petitioner to the police alleging that petitioner used to visit the house of Charanjit Singh in the village of complainant and induced the complainant to pay ₹18 lac for sending the complainant and his wife abroad and a sum of ₹18 lacs was obtained by the petitioner who assured to send the complainant and his wife to England. In the mean while, petitioner also obtained the signatures of complainant and his wife on blank stamp papers. Thereafter, petitioner used to inform that he would send the complainant to Portugal. In

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February, 2021, VISA was provided and complainant was told that he would go to Ukraine, thereafter when complainant and his wife went to Ukraine, they were deported back. When they inquired about the fact from the petitioner, he assured to send them to Dubai and from their to England and thereafter he told that the complainant would be sent to England through Armenia. In August 2021, petitioner took the complainant to Delhi after assuring the complainant that somebody would take them to airport but neither the original documents were returned nor money was returned.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in this case as no offence is made out against him. Learned counsel contended that complainant borrowed ₹3,75,000/- from the petitioner against interest and Charanjit Singh stood as guarantor regarding which a writing dated 18.3.2021 was executed. Petitioner has claimed that Charanjit Singh had sent the complainant and his wife to Ukraine but they were deported back and thereafter when they demanded back money from Charanjit Singh who had committed fraud with them, then complainant executed affidavit that there is no fault on the part of petitioner. It has been alleged that petitioner did not receive any amount from the complainant and the present false FIR has been lodged by Charanjit Singh in connivance with complainant. Petitioner is ready and willing to join the investigation.

Per contra, learned State counsel assisted by learned counsel for the complainant has opposed the petition for grant of anticipatory bail

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to the petitioner on the ground that petitioner has mis-appropriated ₹18 lacs on the pretext of sending complainant and his wife to England and during investigation, it was also discovered that ₹12,80,000/- was withdrawn from the account of the complainant and was given to the petitioner and ₹5,20,000/- was taken on 9.2.2021. It was further contended that affidavit and receipt relied upon by the petitioner regarding borrowing of ₹3,75,000/- by the complainant from the petitioner were manipulated because petitioner had obtained blank signatures of complainant.

I have heard learned counsel for the petitioner and learned State counsel assisted by learned counsel for the complainant and perused the record.

Perusal of the file shows that on the pretext of sending complainant and his wife abroad petitioner obtained a sum of ₹18 lacs from them. Complainant and his wife were sent to Ukraine and were deported back. They were never sent to England. With regard to receipt and affidavit alleged to be executed by complainant and relied upon by the petitioner, complainant in his complaint has stated that his signatures were obtained on blank papers by the petitioner. On 01.06.2022 complainant Amar Singh produced a pen drive containing conversation between him and the petitioner, which was retrieved by him from his mobile phone to the police. During investigation on 12.06.2022, Investigating Officer also recorded the statement of one Surjit Kaur wife of Jujhar Singh resident of Village Dera Salem Pur, Police Station Barara,

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District Ambala, who stated that on 10.12.2021 petitioner took ₹1 lac from her for sending her son to Canada/America on work permit and had taken the documents, copy of passport from them but did not send her son abroad nor returned the money. Therefore, under these facts and circumstances of the case to recover the huge cheated amount and keeping in view the gravity of offence, custodial interrogation of the petitioner is very much required. Therefore, he does not deserve the concession of anticipatory bail.

Dismissed.

October 17, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

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