

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

**CRM-M-29484-2022 (O&M)
Date of decision: 13.07.2022**

Jaspal Singh @ Jassa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 08 dated 22.01.2022, registered under Sections 406, 420 IPC, at Police Station Kiratpur Sahib, District Rupnagar.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he along with his five partners, was running a business of lottery and had duped the poor labourers and farmers; that the FIR was lodged on the basis of an ex-parte inquiry conducted by the Deputy Superintendent of Police, and that no notice under Section 41-A Cr. P.C. was issued by the police, which is mandatory as per the law laid down by the Hon'ble Apex Court in Arnesh Kumar Vs. State of Bihar and another, 2014 (3) RCR (Crl.) 257 and that co-accused Jaswinder Singh has already been granted interim bail by the learned Additional Sessions Judge vide order dated 13.06.2022 and co-accused Inderjeet Kaur-wife of the petitioner has already been granted ad interim anticipatory bail by this Court vide order

dated 25.05.2022.

In support of his case, learned counsel for the petitioner relies upon the judgment rendered by the Hon'ble Supreme Court in Satender Kumar Antil Vs. Central Bureau of Investigation and another, 2022 Live Law (SC) 577.

I have heard the learned counsel for the petitioner.

In the present case, the complainants are the poor labourers and farmers. The petitioner in connivance with other co-accused allured them to pay a total sum of Rs. 15,300/- in 18 monthly installments and assured to give them, motor-cycle, LCD, Fridge, Inverter etc. and by this way they collected crores of rupees. As per the order dated 21.03.2022 passed by the learned Additional Sessions Judge, Rupnagar, the petitioner has defrauded the poor people for the sum of Rs. 30.87 lakh approximately. Neither the amount was returned, nor any item was given to them. The petitioner is the main accused in the case and was running the business in the name of Aulakh Enterprises and has also not obtained any permit or licence from the authorities for the purpose of running the said scheme.

Considering the very nature of the allegations contained in the FIR, the custodial interrogation of the petitioner is necessary to recover the hard earned money of the poor farmers and labourers. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

13.07.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No