

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43610-2022 (O&M)
Date of Decision:-29.9.2022

Ramesh Chand

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Jarnail Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.102, dated 19.8.2021, Police Station Balachaur, District SBS Nagar, under Section 420 of Indian Penal Code.
2. The FIR was lodged at the instance of Nirmal Singh, wherein it is alleged that he has been duped by the petitioner of an amount of Rs.10 lakhs on the pretext of sending complainant's son Sandeep Singh to 'Italy'. It is alleged that while an amount of Rs.8 lakhs was given to the petitioner on 20.6.2018 after raising the said amount by entering into two agreements for sale of his property i.e. agreement dated 12.4.2018 for an amount of Rs.3 lakhs and agreement dated 11.6.2018 for an amount of Rs.5 lakhs in favour of Jasvir Singh and Joginder Singh respectively, the remaining amount of Rs.2 lakhs is

stated to have been paid on 9.7.2018 after he withdrew amount from his bank account. It is also alleged that on 15.7.2018 the petitioner left for Delhi alongwith complainant's son Sandeep Singh and complainant's son was handed over three documents at Delhi apart from an air ticket. When the complainant's son entered the airport, he was informed that the documents, which he was carrying, were not relevant to Visa and the said documents were only pertaining to some hotel bookings in 'Serbia'. Consequently, the complainant's son returned back. Although the complainant demanded the money back from the petitioner but to no avail.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that there is no evidence of passing of the amount of Rs.10 lakhs and the entire amount is stated to have been paid by way of cash. It has further been submitted that the petitioner had never held out any false representation as alleged in the FIR. Learned counsel for the petitioner submits that though the State claims that he has been involved in several other cases, but he stands acquitted/discharged in all of them as is evident from the statement (Annexure P-3).
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in about a dozen odd cases. It has been pointed out that the statement (Annexure P-3) pertains to the year 2013 and that he has remained involved even thereafter. Learned State counsel has furnished particulars of one such case i.e. FIR No.106, dated 13.11.2020, under Sections 406 and 420 of Indian Penal Code, Police Station City Balachaur, which is stated to be still pending. It has further been submitted that during the course of investigation copies of agreements i.e. agreement

dated 12.4.2018 and agreement dated 11.6.2018 have been collected and the statements of the prospective purchasers namely Jasvir Singh and Joginder Singh have also recorded and which would clearly point out that it was for the purpose of sending complainant's son abroad that the complainant was constrained to enter into agreement for sale of his property.

5. This Court has considered the rival submissions.
6. Having regard to the nature of allegations, which do seem to be substantiated from the fact that the complainant to some extent has been able to establish the sources of the payment and while also bearing in mind that the petitioner has been involved in other cases, no special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

29.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No