

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

208

Date of Decision: 30.11.2022

(i)

CRM-M-44458-2022

Balram Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

(ii)

CRM-M-50423-2022

Jaspal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amandeep Singh Gulati, Advocate
for the petitioner in CRM-M-44458-2022.

Mr. Janak Singh Bhinder, Advocate
for the petitioner in CRM-M-50423-2022.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petitions under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.33 dated 13.05.2022 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Chamkaur Sahib, District Rupnagar.

The above-said FIR was registered on the complaint made by complainant-Sajjan Singh alleging that the petitioners along with

Manohar Lal and other co-accused have cheated him and others and thereby dishonestly induced them to deliver Rs.90,000/- each in the year 2014-2015 on the pretext of returning the double amount after a short period by their company known as 'Life Care Estate India Limited' but the petitioners and their co-accused did not return any amount to the complainant.

Learned counsel for the petitioners have argued that the petitioners have been falsely implicated in the present case. Neither the petitioners have cheated the complainant nor they have received any amount from them by way of any dishonest inducement. The petitioners are not a Director/Chairman of the company. Petitioner-Balram Singh is doing the business of Commission Agent under the name and style of 'Life Care Group' and the said registered firm is managed by Manohar Lal who is Managing Director of the said firm. Earlier, police of Police Station Morinda found petitioner-Balram Singh innocent during the inquiry conducted on the application moved by the complainant before them but now the police of Police Station Chamkaur Sahib without going through the real facts have falsely implicated him in the case. The present FIR has been registered without any preliminary inquiry after a period of more than 01 year which has not been explained by the prosecution. Nothing has to be recovered from the petitioners and their custodial interrogation are not required in the case. The petitioners are also ready and willing to join investigation.

Per contra, learned State counsel opposed the present

petitions in terms of status report dated 07.11.2022 filed in CRM-M-44458-2022 which is already taken on record. Learned State counsel submits that the petitioners along with their co-accused have cheated the complainant and others. The custodial interrogation of the petitioners are required for thorough investigation of the case and for recovery of embezzled amount.

I have heard learned counsel for the petitioners as well as the learned State counsel and gone through the paper-book.

As per status report filed by the State, many other persons have also moved similar complaints against the petitioners and their co-accused to Senior Superintendent of Police, Rupnagar and all these complaints were thoroughly inquired by Deputy Superintendent of Police (PBI, Special Crime, EOW), Rupnagar and vide its report dated 31.05.2021, the Inquiry Officer concluded that petitioner-Balram Singh and co-accused Manpreet Kaur were working as Branch Managers of Branch Office of 'Life Care Estate India Ltd Company' at Chamkaur Sahib whereas petitioner-Jaspal Singh working as employee in the said company. The said company and its employees were persuading the general public to invest in the company on the pretext of higher rate of interest and complainant and several other persons of the area have invested lacs of rupees in the above-said company. The petitioner-Balram Singh and his employee collected huge amount by way of FDRs and monthly installments from the complainant and other victims and when the policies purchased by them got matured, then the petitioners and other

co-accused shut their office. During investigation, total 11 victims have come forward and have approached the Investigating Officer and from the calculation made by him so far, it has been revealed that the petitioners and other co-accused have collected Rs.6,46,400/- from the poor people like complainant. So far as 27 victims have been identified and out of them 11 have been examined.

Having heard learned counsel for the parties, I am of the view that the allegations against the petitioners are serious in nature. The recovery of hefty amount is yet to be effected. Moreover, the investigation is still going on, and therefore, their custodial interrogation are necessary for finding out the modus operandi of commission of the offence.

It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh Vs. Pradeep Sharma**, (2014) 2 SCC 171.

Keeping in view the above facts as well as nature of the offence, the petitioners do not deserve the concession of anticipatory bail. Hence, the present petitions are hereby dismissed.

30.11.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No