

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

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**CRM-M-52859-2021
Date of decision : 14.03.2022**

KULDEEP KUMAR

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Kulwinder Singh Rathour, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Inderjit Sharma, Advocate
for the complainant.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.249 dated 31.10.2020 under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulations) Act 2014, registered at Police Station Dhariwal, District Gurdaspur, Punjab.

Learned counsel for the petitioner argues that the petitioner has wrongly been roped in the present case and as the allegations are yet to be substantiated against the petitioner and petitioner is behind bars for the last 14 months, the petitioner may kindly be extended the concession of regular bail.

Learned State counsel rebuts the contentions being raised on behalf of petitioner that he is innocent. Learned State counsel further submits that the money paid by the complainant was in the account of the

petitioner and rather than refunding the money back which the petitioner had taken from the complainant on the pretext of sending him abroad, the petitioner is still holding the amount. Learned counsel further submits that as the complainant is still to be examined, the prayer of the petitioner may kindly be rejected. Learned counsel for the complainant argues that the petitioner is a habitual offender and there are about 6-7 other cases of the similar nature presenting apart from petitioner which have been filed against the petitioner wherein he has duped innocent people on the pretext of sending them abroad. Learned counsel for the complainant submits that the money demanded by the petitioner was deposited in his account, which he has embezzled now and therefore, the prayer of the petitioner may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case where the petitioner has been named in the FIR by the complainant with the specific allegations that he was duped to the tune of Rs.9,60,000/- on the pretext of sending him abroad and the money was deposited in the account of the petitioner, which fact has not been rebutted by the learned counsel for the petitioner coupled with the fact that the petitioner is also involved in the other similar cases, the petitioner cannot be granted the concession of regular bail at this stage especially when the complainant is yet to be examined, hence, no ground is made out for grant of bail.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

14.03.2022
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Whether speaking/reasoned
Whether Reportable :

Yes
No