

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

CRM-M-52404-2022

DECIDED ON: 21.11.2022

GURPINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vishal Deep Goyal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The present petition under Section 438 Cr.P.C has been filed for grant of anticipatory bail to the petitioner in case FIR No.114 dated 21.07.2022, under Sections 406, 420 and 120-B IPC, registered at Police Station Sadar Khanna, District Khanna (Annexure P-1).

Learned counsel for the petitioner contends that he has been falsely implicated in the present case with the averments that Rs.32,49,050/- were given on various dates, as per demand of Jashan Jot Kaur by the complainant. The present petitioner is father of Jashan Jot Kaur. A perusal of FIR shows that Jashan Jot Kaur after having finalized to marry the complainant Harpreet Singh got this amount for the purpose of completing the studies in Canada and promised to marry after returning back to India. It was on these assurances, the amount was paid by the complainant and most of the amount has been transferred, as is evident from the contents of the FIR, either through RTGS or through NEFT into the bank account of Jashan Jot Kaur, daughter of the petitioner.

It is also apparent that the element of intention for the offences under Sections 406 and 420 along with 120-B IPC is writ large on the face of it against the present petitioner as well as the FIR, which was got registered on 22.07.2022 but since then no bonafide attempt has been made on the part of the petitioner or his daughter to return back to India and to perform the marriage. It is not only the case that the FIR was registered in

July 2022 but complaint in that behalf was filed in December 2021.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, learned DAG, Punjab, who is present in the Court accepts notice and on instructions from HC Sukhdeep Singh states that total amount of Rs.32,49,050/- has been deposited in parts starting from 25.01.2019, 25.03.2019, 01.05.2019, 04.05.2019, 09.05.2019, 21.05.2019, 11.06.2019, 29.06.2019, 17.09.2019, 18.09.2019, 22.10.2019, 31.10.2019, 04.11.2019, 12.11.2019, 13.11.2019, 15.11.2019 apart from cash on 05.11.2019 and 06.11.2019 to the tune of Rs.10,10,000/-. It is also pointed out that some of the amount was also paid by cheque which was encashed by the uncle of Jashan Jot Kaur – Nirmal Singh.

Since the petitioner is main accused, who in active connivance with his daughter Jashan Jot Kaur, has usurped the money alluring the complainant for marriage wherein right from the beginning the essence of cheating is there, no ground is made out for grant of anticipatory bail as the petitioner cannot be allowed to take the law in his own hands and to evade the process of investigation under the garb that his daughter is living abroad and no attempt is made to join the investigation so far.

Hence, the present petition for grant of anticipatory bail is hereby dismissed.

(SANDEEP MOUDGIL)
JUDGE

21.11.2022

mamta

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>