

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

CRM-M-50307-2019 (O&M)
Date of Decision:- 18.8.2022

Jaspal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Hardeep Kumar.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 162 dated 25.10.2015 under Sections 406, 420 IPC at Police Station Division No. 7, Jalandhar District Jalandhar.
2. The FIR was lodged at the instance of Harwinder Singh and Sukhbir Singh wherein it is alleged that since they wanted to go to Canada, they contacted Rohit Chawla and Jaspal Singh who demanded an amount of ₹ 56 lacs for sending them to Canada. It was agreed that the amount would be paid to them only after reaching Canada. On 5.2.2014, Rohit Chawla took them to Delhi and from there to Bangalore where they were introduced to two persons, one of whom was named as Chanan Singh. The said two persons took them to Nepal where they were handed over to another two persons. It is alleged that they were kept confined in Nepal and were given beatings and were not provided with any food and later they were forced to make

telephone calls to their families and were forced to tell falsely to their families that they had reached Canada and that their families should pay amount to Rohit Chawla and Jaspal Singh. It is alleged that the families of the complainants accordingly paid an amount of ₹ 24 lacs to Rohit Chawla and Jaspal Singh on 14.2.2014 in their office where Arjan Singh was present. Another amount of ₹ 18 lacs was also paid to them subsequently and in this manner a total of ₹ 42 lacs was paid. However, the complainants ultimately had to return back to India from Nepal. Upon their return, they demanded return of their amount from accused but to no avail.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that the falsity of the same would be evident from the fact that upon an inquiry conducted by the Assistant Inspector General of Police, the petitioner was found to be innocent and a challan was filed against co-accused Arjan Singh while Rohit Chawla was proceeded against under Section 82 Cr.P.C. (proclamation proceedings).
4. On the other hand, the learned State counsel has submitted that the petitioner is specifically named in the FIR alongwith co-accused Rohit Chawla and that identical allegations have been levelled against both of them pertaining to the accused having defrauded the complainants Harwinder Singh and Sukhbir Singh of an amount of ₹ 42 lacs. It has further been submitted that although, the AIG, Crime Zone, Jalandhar, who had examined the matter had returned a finding that there is no evidence against Jaspal Singh but when the matter was put up before higher authorities i.e. the Commissioner of Police, Jalandhar, the matter was referred back on 5.8.2017 to the Director, Bureau of Investigation, while clearly mentioning therein that Jaspal Singh

was not innocent and that challan should be presented against him. The matter was also re-examined by the office of the Director, Bureau of Investigation, Punjab and it was decided to take action against Jaspal Singh, as per the recommendation of the Commissioner of Police, Jalandhar.

5. Having regard to the aforestated position wherein the matter has now been examined by the highest of the authorities i.e. the Commissioner of Police, Jalandhar and by the Director, Bureau of Investigation, Punjab and it has been found that the petitioner is not innocent as had earlier been opined and while also noticing that there are serious allegations against the petitioner as well as against the other co-accused Rohit Chawla, who is stated to be on the run, the mere fact that at one stage the petitioner had been found innocent in some inquiry cannot work to advantage to the petitioner, particularly when the highest most authorities in the District have not agreed with the said inquiry report and have categorically stated that action be taken against the petitioner. As such, having regard to the nature of allegations and the amount involved, custodial interrogation of the petitioner would be required to unearth finer details of the fraud.
6. The petition is sans merit and is hereby dismissed.

18.8.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No