

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-15-2023 (O&M)
Date of decision: 16.03.2023

Gurpreet Singh Gir @ Gopi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Lt. Col. P.K. Saran, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail in case FIR No.124 dated 25.10.2022 under Sections 406, 420 and 381 of the IPC registered at Police Station Doraha, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR in question on the allegations that after sedating the father of the complainant, he committed a fraud amounting to ₹35 lakhs and thereafter transferred ₹16 lakhs in his bank account while the rest of the amount was withdrawn by him in cash. Learned counsel submits that it was impossible for him to have continuously sedated the father of the complainant and gotten various sums of money withdrawn from 'Yes Bank' which was a private bank. Learned counsel urged that every withdrawal from the account of a holder, was intimated to him and

hence, had he actually cheated the complainant's father it would have not remained under wraps for as long as one and a half year. He submitted that the petitioner was employed as a caretaker of the complainant's father and all the money which was withdrawn from the bank account of the complainant's father was with the latter's consent and knowledge for bringing medicines and for his other personal expenses.

Learned State counsel assisted by learned counsel for the complainant while opposing the prayer and submissions made by the counsel opposite has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1. It has been *inter alia* submitted that the father of the complainant who is a 85 year old man had been staying in the old age home where the petitioner had been employed as his caretaker. After giving sedatives to the father of the complainant, the petitioner over a period of almost one and half years withdrew various sums of money totaling approximately ₹35 lakhs from the account of the complainant's father. It was submitted that it was a matter of record that half of the amount which had been withdrawn by the petitioner from the bank account of the complainant's father had been transferred in his own bank account and some amount of money had been taken by him in cash. Not only this, the petitioner also got an affidavit executed from the complainant's father while he was under the influence of sedatives qua the sale of a car. The petitioner went to the extent of committing theft of gold jewellery of the complainant's mother which had been in the possession of his father

and thereafter sold it to a gold smith for ₹5 lakhs. The *modus operandi* adopted by the petitioner was to take blank signed cheques of the complainant's father and thereafter fill up different sums of money on them and then withdraw the amount from the bank. Learned State counsel also submitted that during the investigation it had come to light that some employees of the bank had also connived with the petitioner who had since been dismissed from the bank. Learned State counsel has submitted that since the ancestral gold jewellery of the complainant has still not been traced, custodial interrogation of the petitioner would be required.

I have heard learned counsel and perused the relevant material on record.

Prima facie there are serious allegations levelled against the petitioner of having belied the trust reposed in him, being a caretaker, by cheating the father of the complainant by taking benefit of his old age and after sedating him continuously. In view of the serious allegations, the petitioner does not deserve the concession of anticipatory bail.

Accordingly, the instant petition is dismissed.

However, nothing contained hereinabove shall be construed as an expression on the merits of the case.

16.03.2023

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No