

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

**204**

**CRM-M-378-2023**

**Date of decision: 30.01.2023**

Abhishek Sharma @ Abishek Sharma @ Shanky .....Petitioner

Versus

State of Punjab .....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate with  
Mr. G.S. Ghuman, Advocate  
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. Achin Gupta, Advocate  
for the complainant.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0205 dated 06.10.2022 under Section 420 of the IPC registered at Police Station City Kotakpura, District Faridkot.

Learned State counsel has filed report by way of affidavit of Shamsher Singh, PPS, Deputy Superintendent of Police Sub Division Kotkapura, District Faridkot in the Court today which is taken on record subject to all just exceptions.

Learned State counsel assisted by learned counsel for the complainant while drawing the attention of this Court to the paragraph 2 of the reply has submitted that the petitioner is involved in 03 other criminal cases including one under Section 420/120-B of the IPC. He has, thus, opposed the prayer made by the petitioner for extending the extraordinary concession of anticipatory bail to him.

Learned State counsel has drawn the attention of this Court to the FIR which has been reproduced in the body of the petition to contend that the petitioner had lured the complainant to part with a huge amount of money in the sum of Rs.70 lakhs on the pretext of procuring the job of a Naib Tehsildar for his son. Learned State counsel has submitted that on account of the false assurance and lure given by the petitioner to the complainant, an amount of Rs.35 lakhs had been paid to the petitioner through cheque. Learned State counsel has further submitted that the petitioner had also lured and induced some other innocent persons besides the complainant, on the pretext of providing them with government jobs, hence, his custodial interrogation was required by the investigating agency.

Learned senior counsel appearing for the petitioner has, however, disputed the submission made by the learned State counsel and reiterated that there were monetary transactions between the parties and a complaint under Section 138 of the Negotiable Instruments Act, 1881 had also been instituted against the complainant. Learned senior counsel has submitted that no doubt the petitioner is involved in 03 other criminal cases but they are false cases which have been registered against him and in one case which stands registered under Sections 420 of the IPC, he has compromised the matter with the complainant.

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

A perusal of the allegations levelled in the FIR reveal that the petitioner had been luring innocent persons on the pretext of getting them government jobs and had thus induced them to part with huge

amounts of money. The allegations levelled against the petitioner are serious as he prima facie has committed fraud on various innocent persons. This Court in the circumstances, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.01.2023

(MANJARI NEHRU KAUL)  
JUDGE

Vinay

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