

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

CRM-M-7400-2023 (O&M)
Date of Decision: February 17, 2023

VIJENDER SINGH

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanjeev Majra, Advocate for
the petitioner.
Mr. Rakesh Kumar Ambavta, Addl. A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail in case FIR No.1161 dated 31.12.2022 under Sections 406, 420, 506 IPC registered at Police Station Karnal City, District Karnal.

As per allegations levelled in the FIR, the petitioner allegedly played fraud upon the complainant and his brother by duping them of huge amount of money under the pretext of sending abroad Balraj i.e., the brother of the complainant. It has been mentioned in the FIR that different amounts were handed over to the petitioner on different dates by the complainant and his brother. Even certain payments were made through bank transfers. It has been further alleged that initially having dilly-dallying the matter, finally in November 2022, the petitioner informed the complainant that his work cannot be done and the amount shall be refunded, however, later he stopped responding.

The petitioner approached the Court of Ld. Addl. Sessions Judge, Karnal invoking Section 438 CrPC, however, the prayer made was declined vide order dated 16.01.2023.

By way of present petition, seeking prayer for grant of anticipatory bail, learned counsel for the petitioner submits that even if the allegations levelled in the FIR are taken to be at face value, a sum of Rs.2,39,900/- was paid to the petitioner through bank transfer which he is ready to refund. Learned counsel further submits that, in fact, the amount was taken by him as a loan from the complainant and it was never meant for sending his brother abroad and as such no fraud as alleged has been committed at his instance. He also submits that no amount in cash, as alleged in the FIR was ever received by the petitioner.

On the other hand, learned State counsel on instructions from ASI Ramesh Kumar and assisted by Sh. Madan Pal, Advocate representing the complainant submits that the petitioner is habitual of defrauding innocent persons under the garb of sending them/their relatives abroad and has done similar acts in past as well.

In this regard, learned counsel for the complainant has produced before this Court a complaint dated 28.12.2022 submitted before Superintendent of Police, Panipat lodged against the present petitioner besides three others wherein also similar allegations have been made against the petitioner, though, in the said complaint, a settlement took place later. Learned counsel for the complainant also places reliance upon judgments passed by this Court in **“Harish Pall@ Toni Vs. State of Punjab 2000(4) R.C.R. (Criminal) 837, Kanwarjit Singh Dhillon Vs. State of Punjab 2007(8) R.C.R. (Criminal) 358 and Sanjay Pal Vs. State of Punjab**

2010(24) R.C.R. (Criminal) 274''. In addition, learned State counsel submits that complainant has handed over a mobile recording pertaining to conversation between the complainant and the petitioner about exchange of money which clearly indicts the petitioner in the present offence.

I have heard learned counsel for the parties and have gone through the paper-book. I am unable to find any substance in the submissions made on behalf of the petitioner.

The factum of other complaints made against the petitioner with almost similar allegations which prima facie show his previous involvement in such offence gains significance and provides strength to the allegations levelled in the present FIR which thus requires custodial interrogation of the petitioner in the present case or it may hamper the effective investigation, particularly in view of the fact that the allegations made are in nature of having cheated innocent persons by alluring them/their relatives for sending them abroad.

Thus, In the facts and circumstances of the present case, considering the nature of accusation as well as the antecedents of the petitioner, I do not find any merit in the present petition so as to exercise power under Section 438 of Cr.P.C. granting discretionary relief of anticipatory bail in his favour.

The present petition is dismissed.

17.02.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

