

CRM-M-10099 of 2023

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

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Date of decision: 27.02.2023

Raja Singh @ Raj Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0005 dated 25.01.2023 under Section 420 IPC, registered at Police Station Lakhewali, District Sri Muktsar Sahib.

FIR in the present case was registered on the statement of complainant Lakhwinder Singh, who alleged that he works in IIFL Finance Company. On 21.01.2023 at 12.30 noon he along with his staff was present in office. Gurpreet Singh and Amandeep Kaur and petitioner-Raja Singh came there and told that they have pledged 13 tolas gold with goldsmith at Mandi Lakhewali from whom they took Rs.3 lacs on interest at the rate of 2% per month and now, total Rs.3,30,000/- is due against them and further said that they came to

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know that their company gives gold loan on less interest and asked for Rs.3,30,000/- and told that they can take gold from goldsmith at Mandi Lakhewali. Being induced by them, complainant took Rs.3,30,000/- and went to Mandi Lakhewali along with said persons on motorcycle. He along with petitioner-Raja Singh stood at bus stand, Lakhewali and Gurpreet Singh and Amandeep Kaur after taking bag containing money went to goldsmith and complainant waited for them for about 20 minutes and when they did not return, complainant asked petitioner-Raja Singh to go along with him to goldsmith. Petitioner-Raja Singh took him on his motorcycle to the shop of goldsmith and when complainant went inside, goldsmith told him that neither he knows any Gurpreet Singh nor any person with said name has pledged gold with him. When complainant came outside, then petitioner-Raja Singh also fled away from there on his motorcycle. He narrated the incident to his staff and they searched for accused but they could not be found and he prayed that action be taken against the accused.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that there is delay of four days in lodging the FIR. He further submits that petitioner never met the complainant nor signed any document regarding loan. He further submits that no offence under Section 420 IPC is made out against the petitioner. He further submits that petitioner is not involved in any other case and he is ready and willing to join the investigation.

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Per contra, learned State counsel, who appears on receipt of advance copy of the petition, opposes the prayer for grant of anticipatory bail to the petitioner by submitting that petitioner has concealed other cases in which he was involved. He has referred to para 10 of the petition wherein the petitioner has stated that there is no other FIR registered or pending against him, whereas petitioner is involved in two other cases being FIR N.106 dated 06.08.2020 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lakhoali, District Sri Muktsar Sahib, which is under trial and FIR No.88 dated 30.01.2008 under Sections 457, 380 IPC, registered at Police Station Kotwali, Bathinda, in which he has been acquitted. Therefore, petitioner does not deserve the concession of anticipatory bail.

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

There are specific allegations against the petitioner that he along with his co-accused have played fraud with the complainant by hatching a criminal conspiracy and duped him of Rs.3,30,000/-. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of their freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses.

Reliance can be placed upon the Hon'ble Supreme Court dictum passed in ***Prem Shankar Prasad v. The State of Bihar and***

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another, 2021(4) RCR (Crl.) 598 and Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364 whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

Petitioner has concealed the fact that he is also involved in two more FIRs. It is a well-settled proposition of law that a person who does not approach the Court with clean hands and played fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgments in *Dalip Singh v. State of U.P. and others - JT 2009 (15) SC 201: (2010) 2 SCC 114* and *Amar Singh v. Union of India and others, WP(C) No.39/06 decided on 11.05.2011*.

As per law laid down by the Hon'ble Supreme Court in *State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171*, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot prima facie be said to have been falsely enroped in the crime and his custodial interrogation is necessary in the case and that petitioner is likely to abscond and misuse his liberty and does not deserve grant of anticipatory bail.

In view of the above, the petition is dismissed.

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However, nothing stated hereinabove shall be construed as
a final expression of opinion on the merits of the case.

27.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

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