

101

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

CRM-M 17035 of 2023

Date of Decision: 11.04.2023

Bhupinder Singh @ Bhinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Charanjit Singh, Advocate
for petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Bikramjeet Singh Jatana, Advocate
for complainant.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 42 dated 02.03.2023 under Sections 420 and 506 of IPC registered at Police Station Sadar, Mansa, District Mansa.

2. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated under political pressure. He submits that the petitioner is a poor farmer, having studied up to 4th class only and he had never assured the complainant of any job nor taken any

amount from her and but has been falsely implicated in the case.

3. Notice of motion.

4. On asking of the Court, Ms. Himani Arora, Assistant Advocate General, Punjab accepts notice on behalf of the State.

5. Mr. Bikramjeet Singh Jatana, Advocate has put in appearance on behalf of complainant and filed Vakalatnama. The same is taken on record.

6. I have heard learned counsel for the parties and have also perused the record of the police produced by ASI Kulwant Singh, Belt No. 156, Mansa.

7. After considering the respective submissions of the parties and perusing the record, it transpires that present case was registered on the complaint of Rupinder Kaur alleging that the present petitioner, a distant relative of her husband, had been visiting their house quite often and proclaiming contacts in government and on one occasion he assured her mother-in-law that he will get a job procured for the complainant for which he demanded ₹15,00,000/-. After arranging the amount from various friends the same was paid to the petitioner but no job was provided to her. When the complainant and her husband demanded the money, the petitioner threatened them of dire consequences. On the complaint being moved to the police, an inquiry was conducted by DSP Mansa, during course of which the complainant produced pen-drive containing recordings, regarding payment of amount to the petitioner and on being confronted during inquiry the

petitioner admitted the same to be in his voice. After inquiry, the FIR was registered.

8. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case and he is a simple villager, having no concern with any government office and that he had never assured the complainant of a job, nor taken any amount as alleged.

9. On the contrary, learned State counsel and learned counsel for the complainant have assailed these arguments by submitting that the husband of complainant had borrowed this huge amount from his friends who had withdrawn from their respective banks and when requested to return the amount, the petitioner had been threatening them of dire consequences. It was further pointed out that the payment of amount has been admitted by the petitioner in the recordings submitted before the police during the inquiry, and on the basis of thorough inquiry, the present FIR has been registered, as such he is not entitled to the relief as prayed for.

10. Considering the above said contentions and perusing the record, it transpires that there are serious allegations levelled by the complainant against the petitioner, of having been taken huge sum of ₹15,00,000/- on the pretext and assurances of getting her government job, which he did not and on demand of the money back by the complainant the petitioner had been threatening them of dire consequences. The factum of receipt of money is recorded in the voice of the petitioner in the pen-drive which was produced before the inquiry officer and it is categorically mentioned in the FIR itself,

the petitioner had admitted his voice therein. Learned counsel for the petitioner could not controvert this fact. The matter, therefore, require a deeper probe and thorough investigation into the allegations.

11. Resultantly, keeping in view serious nature and gravity of the offences, no case is made out for grant of anticipatory bail in favour of the petitioner and as a consequent the petition is hereby dismissed.

12. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(SANJIV BERRY)
JUDGE

11.04.2023

Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |