

CRM-M-25649 of 2023

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

CRM-M-25649 of 2023
Reserved on: 26.05.2023
Pronounced on: 02.06.2023

Jarnail Singh

.....Petitioner

versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

1. Instant second petition has been filed by the petitioner under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No.308 dated 03.12.2022 under Sections 406/420 IPC and Section 13 of the Punjab Travel Professional Regulation Act, 2014, registered at Police Station Tanda, District Hoshiarpur.

2. FIR in the present case was registered on an application filed by the complainant on the allegations that he has been cheated to the tune of Rs.6 Lakh by the petitioner on the promise of sending his brother Jaskaran Singh to USA. It was stated in the application that for sending his brother to USA, petitioner received Rs.6 Lakh and got booked his flight from Delhi to Ethiopia. His brother remained on the way for six months. Thereafter, he was called back to India. Petitioner failed to send his brother to USA and also to return his Rs.6 Lakh. On filing of application with the DSP, Tanda, the parties were called on 23.03.2022 and a

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compromise was effected and the petitioner promised to send Jaskaran Singh to the USA. On 4.05.2022, a compromise was again effected and the petitioner agreed to pay Rs.5 Lakh through two cheques. Accordingly, cheque dated 1.08.2022 was issued, which on presentation with drawee bank thrice was dis-honoured. Rs.1,50,000/- was spent to bring back Jaskaran Singh to India from Ethiopia.

3. Learned State counsel while opposing the prayer for grant of anticipatory bail, submitted that the instant second petition seeking anticipatory bail preferred by the petitioner is not maintainable.

4. Heard learned counsel for the State and perused the record.

5. Earlier petition being CRM-M-9832 of 2023 filed by the petitioner seeking anticipatory bail was dismissed by this Court vide order dated 20.03.2023. The ground taken in the instant petition is that petitioner is ready to pay the settled amount to the complainant. On 19.05.2023, request for adjournment was made on behalf of counsel for the petitioner that he is in some personal difficulty and the case was adjourned for 26.05.2023. On 26.05.2023 also case called twice but none had put in appearance on behalf of the petitioner.

6. In **G.R. Ananda Babu v. State of Tamil Nadu : 2021 SCC OnLine SC 176**, the Hon'ble Supreme Court has held that once an application for bail is rejected by a speaking order, the change in circumstance pleaded to maintain a subsequent application shall not be specious but real and genuine.

7. The petitioner has duped the complainant of Rs.6 lacs on the pretext of sending his brother abroad. However, despite twice compromise arrived at between the parties, neither he sent complainant's

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brother to USA nor returned his money. He has filed the instant second petition seeking anticipatory bail with a prayer that he is ready to return the settled amount to the complainant. A perusal of the file shows that petitioner has not impleaded the complainant as party, which shows the dishonest intention of the petitioner. Petitioner cannot be permitted to play hide and seek with the Court.

8. In view of the above, present petition is dismissed being not maintainable.

02.06.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No