

102(2) IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28615-2023 (O&M)
Date of Decision: 21.07.2023

Sandeep Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Davinder Kumar, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG Punjab.

Mr. Manoj Pundir, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of Code of Criminal Procedure for grant of pre-arrest bail to petitioner in FIR No. 32 dated 30.03.2023 registered under Sections 406, 420 and 120-B IPC at Police Station Julkan, District Patiala.

(2) Above FIR was registered on the basis of complaint made by one Bhupinder Singh and translated version of the same reads as under:-

“It is requested that I Bhupinder Singh son of Avtar Singh, am resident of village Masingan, Tehsil and post office Patiala. On 02.12.2021, Balbir Singh son of Puran Singh, resident of village Thol, District Kurukshetra, Sandeep Singh son of Pala Ram resident of village Kathgarh Chhatta came to me with plan of Pickn Pay Company that this is an international company and we have the Franchise of this company and this company is

doing the business of Crypto currency. It has one Mall in Ludhiana and in future, they will come in the entire markets of Punjab State. This company is making the money three times in 17-20 months and refunding 15% from said amount every month, in which 2 share will be invested by investor and one share will be of networker. Sir, I am running a school in the area of Masingan and I came to their words and collected amount of Rs.32.00 lac from the parents of some children and relatives, and gave the said amount to them. Balbir Singh and Sandeep Singh had given me a cheque No. 0000005 of Kotak Mahindra Bank as guarantee cheque. After one month when I demanded first installment from them then they told me that the company ran away. After some days, I went to their house then they had given me the amount of Rs.1.50 lacs and said that we are giving this amount from our own pocket as the company has run away from the market. On 05.03.2022, I had gathered a Panchayat in Samalabad, which was attended by above said Balbir Singh, Sandeep, Satish, Geeta Ram, Sham Lal and Pawan Kumar etc. At that time, they admitted about Rs.26,82,375/- in the Panchayat and said that this amount will be refunded to you on 17.03.2022 but they did not refund the said amount up to 17.03.2022. Thereafter on 20.03.2022, I had given an application in Police Station Julka and on calling of Station House Officer, Panchayat was gathered and they had given me a cheque of Rs.7.00 lacs in this Panchayat but the same got dishonoured. On pressuring by the Panchayat they had sent this amount through RTGS and also stated before the Panchayat that the amount of Rs.10.00 lac will be given by my relative Dr. Mohinder and the balance amount of Rs.8.00 lacs will be given in four shares i.e. Rs.2.00 lacs per month. Sir, they have refused from the said money. Sir, they have collected crores of rupees with cheating and I am presenting the

photographs and videos in this regard. The persons, from whom I had taken amount, are approaching me with Panchayat and are insulting me. Sir, I am not able to face the public and same is badly reflecting the business of my school. If the amount is not refunded by these persons, then I will be constrained to commit suicide. Sir, these persons are collecting lacs of rupees from the market, therefore strict punishment be given to these cheaters so that they may not cheat the general public. Sir, I had already given complaint in your office on 13.06.2022 vide No. 5615 and same was marked by you to I.C. Cyber Cell. Sir, it is requested that my this complaint be marked to Station House Officer, Police Station Julka where I can be helped.”

(3) It is contended by learned counsel for petitioner that he has been falsely implicated by the Police. Further contended that according to the allegation in FIR itself, he has already refunded an amount of Rs.7 lakh to the complainant and moreover, it is purely a civil dispute; thus, no offence is made out against the petitioner.

(4) On the other hand, learned State counsel opposed the prayer and submitted that despite repeated raids, petitioner is not traceable and evading the process of law. Also submitted that custodial interrogation of the petitioner is required to find out the truth in the present case.

(5) Heard learned counsel for the parties and perused the paper-book.

(6) Allegations are that petitioner cheated and defrauded the complainant to the tune of Rs.32 lakh. Although, under pressure, he is stated to have refunded an amount of Rs.7 lakh, but promised for refund of the

remaining amount as well. However, later on, petitioner disappeared and is evading the process of law.

(7) In view of the above, this Court is of the opinion that custodial interrogation of the petitioner would be required to reveal the truth.

(8) As a result thereof, there is no option, except to dismiss the petition.

(9) Ordered accordingly.

(10) Observations be not construed as an expression of opinion on merits of the allegations in any manner.

21.07.2023.

(MAHABIR SINGH SINDHU)
JUDGE

SN

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