

**CRM-M-30084-2023 and
CRM-M-30178-2023**

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

Date of decision: 07.07.2023

1. CRM-M-30084-2023

Sunil Kumar

...Petitioner

Versus

State of Punjab

....Respondent

AND

2. CRM-M-30178-2023

Mehar Chand

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arun Sehgal, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. A. G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. This order of mine shall dispose of the above mentioned petitions, which have arisen out of the same FIR.

2. Through both these petitions, the petitioners seek anticipatory bail in case bearing FIR No.96 dated 25.09.2019, registered at Police Station Anandpur Sahib, under Sections 420, 465, 467, 468, 471 and 120-B IPC.

3. Status report dated 07.07.2023 filed in CRM-M-30084-2023, by way of affidavit of the Senior Superintendent of Police, Rupnagar, is taken on record. Registry is directed to tag the same at an appropriate

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place.

4. Learned counsel for the petitioners contends that the petitioners have falsely implicated in the present case; that the petitioners have not been named in the FIR; that in fact, the petitioners are the victims at the hands of the co-accused, namely, Rinku alias Rohit Casta, who had to return the amount to the petitioners taken by him on the pretext of providing job to the petitioner(s) and other persons; that the above named co-accused had also committed forgery with the petitioners and given their account numbers to different persons for transferring the amount in the said accounts; that co-accused, namely, Chander Shekhar and Rohit Casta had very cleverly taken the account numbers of some persons like the petitioners and got deposited the amount of Rs.7 lakh in the account of petitioner-Sunil and Rs.18 lakh in the account of petitioner-Mehar Chand, but the excess amount had been further given by the petitioners to the persons as asked by the co-accused.

5. It is further submitted that otherwise, the petitioners have no concern with the complainant and they have not cheated him in any manner. It is further submitted that pursuant to the directions issued by learned Addl. Chief Judicial Magistrate, Ghumarwin, in an application filed by some persons including Amin Chand, father of petitioner-Sunil Kumar, FIR No.26 dated 21.02.2019, under Sections 406, 420, 465, 468, 471 and 120-B IPC had been registered against Rinku alias Rohit Casta, Rohit Gupta and others.

6. On the other hand, learned State counsel, while opposing the grant of bail to the petitioners, submits that the petitioners have participated

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in the crime and committed fraud with the complainant and others. It was in the supplementary statement that certain amounts had been deposited in the accounts of the petitioners. It is further submitted that the earlier petitions filed by the petitioners seeking anticipatory bail have been dismissed by a Coordinate Bench, vide order dated 07.10.2021.

7. I have heard the learned counsel for the parties.

8. Indisputably, the petitioners have not been named in the present FIR. However during investigation, it was revealed that co-accused Rohit Casta had got deposited an amount of Rs.7 lakh in the account of petitioner-Sunil Kumar and Rs.11 lakh in the account of petitioner-Mehar Chand. The petitioners could not convince this Court as to why the amount was deposited in their accounts and further as to why they had distributed the amount to other persons.

9. The ground that the petitioners are not named in the FIR itself, cannot be the sole consideration for grant of pre-arrest bail. In the considered opinion of this Court, the petitioners are required for custodial interrogation to unearth the fraud and modus operandi adopted by the petitioners in connivance with the co-accused.

10. As a result of above, the petitioners are not entitled for the grant of anticipatory bail.

11. Dismissed.

07.07.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No