

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-35668-2023
Date of Decision : 26.07.2023

Bakhshish SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Saurabh Kaushik, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, D.A.G., Punjab
for the respondent-State.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the present (second) petition under Section 438 of Cr.P.C. seeking grant of anticipatory bail in case FIR No.57 dated 30.03.2023 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Nabha, District Patiala.

2. Brief facts of the case are that the petitioner was recruited as Post Master in the year 1988 and he remained posted at Gunike during his entire service period, due to which local residents and the people of the neighbouring villages trusted him. The petitioner used to advise the people regarding the investment schemes from which people could earn more interest and to invest in some scheme by which their money could be doubled in four years and nine months. The villagers

and the people of neighbouring villages believed the petitioner and gave cash to him and he invested the same in various private companies instead of Post Office like Blue-chip Infra Projects Limited etc. He also issued receipts to the people. After sometime when the people did not get their money back, then on inquiry people came to know that money which they had given to the petitioner to deposit in the Post Office, he had invested the same in the private companies at his own level. On the complaint made by people the petitioner was dismissed from service. In this manner the petitioner duped innocent people of Rs.71,00,000/-

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner has not committed any offence as alleged in the FIR. The petitioner neither received any amount nor misappropriated any money. None of the receipts or any other documents bears the signatures of the petitioner. The petitioner himself is the victim of the same company as he also invested and lost money. Nothing is to be recovered from the petitioner and his custodial interrogation is not required in the case. The petitioner is ready and willing to join the investigation. Therefore, he may be granted anticipatory bail.

4. Per contra, learned State counsel, who has appeared on receipt of advance copy of the paperbook, vehemently opposed the present petition on the ground that the petitioner has cheated the innocent people and committed a serious offence. The petitioner is also involved in 02 other cases of similar nature. The custodial interrogation

of the petitioner is required in the case. Therefore, the present petition may be dismissed.

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

6. Perusal of FIR shows that the allegations against the petitioner are grave and serious in nature. The petitioner has duped the innocent people for an amount of Rs.71,00,000/-. The people gave their hard earned money to the petitioner to deposit in the Post Office and he invested the same in the private companies at his own level. The antecedents of the petitioner are also not good as he is involved in 02 other cases of similar nature i.e. FIR No.90 dated 07.09.2016 and FIR No.21 dated 28.01.2020 both registered under Sections 406/420/120-B of IPC at Police Station Sadar, Nabha. The investigation is still going on. Custodial interrogation of the petitioner is required to recover the cheated money, to ascertain the true facts and involvement of other persons, if any.

7. Moreover, this is second petition filed by the petitioner for grant of anticipatory bail. His first petition i.e. CRM-M-26351-2023 was got dismissed as withdrawn on 24.05.2023. After arguing the first petition and when sensed that the Court was not inclined to grant relief, learned counsel for the petitioner has withdrawn the same.

8. The law relating to successive bail applications is well settled. An accused has right to make successive applications for grant of bail. But the Court entertaining such subsequent bail applications has

CRM-M-35668-2023

4

a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications (*See Kalyan Chandra Sarkar v. Rajesh Ranjan : AIR 2004 SC 1866*). A bail application in a case where earlier applications have been rejected is maintainable only when there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete (*See Kalyan Chandra Sarkar v. Pappu Yadav : AIR 2005 SC 921*).

9. A perusal of the averments made in this second bail petition shows that the petitioner has failed to show any better or fresh particulars in this petition which were not demonstrated in the earlier petition nor any substantial change in the circumstances have been pointed out by learned counsel for the petitioner.

10. Having considered the above aspects, in the absence of any change in fact situation or law with regard to the case in hand except change of counsel, I find that the petitioner is not entitled to grant of anticipatory bail. Consequently, the petition is dismissed with costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Lawyers' Welfare Fund within a period of 06 weeks from today.

26.07.2023

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned

Yes/No

CRM-M-35668-2023

5

Whether Reportable

Yes/No