

104 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 37365-2023

Date of decision: 02.08.2023

*Hardeep Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 31 dated 23.03.2022, registered under Sections 420, 120-B of the Indian Penal Code and Section 24 of the Immigration Act, at Police Station Division No. 2, Ludhiana, District Ludhiana.

2. It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the allegation is that the company, in which the petitioner is working, had taken money from the complainant on the pretext of sending him abroad. However, he was not sent abroad. Accordingly, the complainant has been defrauded. However, the petitioner is only an employee, working in the said company at a monthly salary of Rs.10,000/- approximately. The petitioner is not having any share in the said company nor any part of the money paid by the complainant has come to the account of the petitioner or in his pocket. Since there have been cases against the said company in the recent

past, therefore, name of the petitioner has been involved in some other cases also, though without any basis. The petitioner shall join the investigation as and when called upon to do so. Hence, the petitioner deserves to be protected against his arrest.

3. Notice of motion.
4. Mr. Sandeep Singh, Additional Advocate General Punjab accepts the notice on behalf of the respondent - State.
5. Counsel for the State, on instructions from ASI Jasvir Singh, has submitted that the petitioner is a part of the group; which has cheated the complainant and some other persons. The name of the petitioner has surfaced some other cases also; which were registered against the same company. In one such case, the petitioner has even been declared as proclaimed offender. Therefore, the petitioner does not deserve any concession of anticipatory bail. However, it is not disputed that the petitioner is working in the said company only as an employee.
6. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

August 02, 2023
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Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No