

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

**CRM-M-43854-2022
DECIDED ON: 12.01.2023**

JASVIR SINGH @ BAGGA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.109 dated 22.07.2022 under Section 419,420,468,467,471,120-B of IPC, registered at Police Station Jodhewal, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that he has been falsely implicated in the present case as he has nothing to do with the other main accused namely Rakesh Kumar. He has also asserted that the complainant Surinder Singh was on friendly terms with the petitioner-accused for the last number of years and in good faith was taking advantage of said friendly relations time and again and borrowed money and did not return the same after lapse of stipulated time so agreed between both of them on friendly terms though such understanding and financial help was never executed as a documentary evidence, at any stage.

It is further argued by the learned counsel for the petitioner that he gave another amount of Rs. 2 Lacs to the complainant who promised to return the same within a period of short time and against the same two surety cheques were issued bearing No. 068182 dated 05.03.2022 for an amount of Rs.1 lakh and 068183 dated 05.03.2022 for an amount of Rs.1 lakh. Both cheques drawn from Dena Bank and complainant told to the petitioner-accused that if the petitioner-accused fails to repay the same, he may present the cheques for encashment in the drawee bank.

In the instant case, there is a specific allegation made by the complainant that an amount of Rs.32 lakh was transacted on account of selling of the plot and said amount was paid to Rakesh Kumar alongwith present petitioner Jasvir Singh. It was against the said amount as a consideration/services rendered by the petitioner as broker, the cheques were given to him, however of late, it was found that the present petitioner Jasvir Singh is an habitual offender, who has committed similar offences and many FIRs are pending against him, who has committed fraud and prepared authorised power of attorney as well as sale deeds and, therefore, he is not entitled to anticipatory bail.

Learned State counsel states that investigation is at the initial stage and the nature of offence as well as the conduct of the petitioner, who is an habitual offender, does not entitle him for concession of anticipatory bail under Section 438. Such conduct of the petitioner is also evident from the fact that this Court, vide order dated 22.09.2022 granted the interim protection subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer as and when called, the petitioner shall join the investigation. But according to learned State counsel he has not joined

the investigation.

Looking at the conduct of the petitioner as well as showing disregard to the concession, which apparently has been misused by the petitioner so far, since the last order which was passed more than 4 months back, the present petition is dismissed in view of the fact that the petitioner is not entitled to any such relief who has not approached the Court with clean hands and had mischievous and fraudulent intentions from the very beginning regarding transactions and sale, in question.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

12.01.2023

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No