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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 44143-2023
Date of Decision 04.09.2023*Daljit Singh**.....Petitioner**versus**State of Punjab**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Amit Arora, 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. 125 dated 11.08.2023, registered under Section 420 of the Indian Penal Code, at Police Station Bhikhiwind, District Tarn Taran.

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner has not committed any crime as alleged against him. There is no proof of any payment being made to the petitioner by the complainant in support of his allegations. The petitioner is an agriculturist by avocation, therefore, he has no capacity even to assure the complainant that he would be able to get the complainant, who has retired from the Indian Army, appointed in a government department. The petitioner shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected

against his arrest.

3) Notice of motion.

4) Mr. Sandeep Singh, Additional Advocate General, Punjab, accepts notice. Mr. Deepak Kumar, Advocate appears and files memorandum of appearance on behalf of the complainant.

5) Counsel for the State, being instructed by ASI Lakhvir Singh and being assisted by counsel for the complainant has submitted that the petitioner has cheated the complainant for a sum of Rs.7,50,000/-, on a false/dishonest promise of ensuring a government job for the complainant; who has retired from the Indian Army. There are specific allegations against the petitioner with regard to the fraud being committed with the complainant on the false pretext of getting him a job in a government department and the police are to find out the modalities and involvement of the petitioner in the crime alleged against him. Therefore, the custodial interrogation of the petitioner is required in the present case.

6) Counsel for the complainant has also submitted that when the petitioner did not fulfill the promise of ensuring a job in the government department for the complainant, then the complainant demanded back the money. The petitioner even assured the complainant to return the said money, but still the said money has not been returned so far. The complainant is even having the recording of the conversation, where the petitioner is admitting taking of money and assuring the return of the same to the complainant. Therefore, the petitioner is directly involved in the fraud, which he has committed with the complainant.

7) In view of the facts and circumstances available on the file, as

well as, submissions made by counsel for the State and counsel for the complainant, this Court does not find it appropriate to interfere in the matter so as to grant the concession of anticipatory/pre-arrest bail to the petitioner, at this stage.

8) Dismissed.

(Rajbir Sehrawat)
Judge

September 04, 2023
mohan bimbura

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