

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M No.43747 of 2023 (O&M)
DATE OF DECISION: 02nd SEPTEMBER, 2023

Sushil Kumar Sharma

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Shazia K.Singh, Advocate
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of pre-arrest bail in case FIR No.65 dated 28.07.2023 registered under Sections 406 and 420 IPC at Police Station Sadar Kapurthala.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally wrong and concocted. He is not involved in the crime as alleged against him. Even as per the case of the complainant, the petitioner is alleged to have taken Rs.11.00 Lakhs from her for ensuring job for her son, however, there is nothing even remotely to suggest that the complainant had got the requisite money on the date when she is alleged to have given the money to the petitioner. Otherwise, the petitioner has no concern with the complainant and her family. The petitioner is ready to join the investigation as and when called by the

Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Jaspal Singh Guru, AAG, Punjab, accepts notice on behalf of the respondent/State and Mr. H.P.S. Rahi, Advocate, puts in appearance on behalf of the complainant.

5. Learned State counsel, being instructed by ASI Harjinder Pal Singh, and being assisted by learned counsel for the complainant has submitted that the petitioner has duped the helpless lady of Rs.11.00 Lakhs in the name of ensuring job to the son of complainant. For arranging the money, the complainant had even sold her house. Therefore, she has now been left totally helpless. There are two more cases against the petitioner under Section 307 IPC. Therefore, the petitioner is habitual of criminal activity. Learned State counsel has further submitted that the police are to unearth the true dimensions of the involvement of the petitioner in the crime, therefore, his custodial interrogation is required in this case.

6. Learned counsel for the complainant has also submitted that the assertion of the petitioner that he does not have any concern with the complainant and her family is belied by his own assertion, wherein he has stated before the trial Court that he had taken Rs.30,000/- from the complainant and in lieu thereof, he had returned Rs.50,000/- to her. The petitioner had received Rs.11.00 Lakhs from the complainant and the same was paid by her in cash in small amounts several times; because the petitioner kept on demanding money repeatedly for ensuring job to the son of complainant.

7. In view of the facts and circumstances available on record, as well as, the submissions made by learned counsel for the State and complainant, this Court does not find it appropriate to interfere in the matter so as to protect the petitioner against his arrest.
8. Dismissed.

02nd SEPTEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>