217(1)

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

CRM-M-45424-2023 (O&M)
Date of decision : 31.10.2023

Surjeet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lakhwinder Singh Sidhu, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. J.S. Dhaliwal, Advocate,
for Mr. H.S. Mann, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.113 dated 02.08.2023, under Section 420 of the Indian Penal Code, 1860 (for short, *'the IPC'*), registered at Police Station Sardulgarh, District Mansa.

2. Allegations are that the petitioner along with other co-accused duped the complainant on the pretext of sending him abroad.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case as no money has ever been transferred in his account, nor he is the beneficiary. Also contended that there is no other criminal case pending against the petitioner and as such, his custodial interrogation is not required.

4. *Per contra*, learned State counsel, opposed the prayer of petitioner and while making reference to para No.4 of affidavit 01/03.10.2023, submitted that an amount of Rs.7,00,000/- were received by the petitioner, in cash. Also stated that a sum of Rs.3,65,000/- was transferred by co-accused Gurmeet Singh in the bank account of petitioner.

5. Learned counsel for the complainant also opposed the present petition.

6. Heard learned counsel for the parties and perused the paper-book.

7. As per the allegations, petitioner along with other co-accused lured the complainant of sending him to the USA for setting up business of diamonds there and demanded an amount of Rs.70,00,000/- for the purpose. The complainant transferred Rs.38,61,000/- in the bank account of Gurmeet Singh from his account on different occasions between 10.09.2021 and 07.11.2022. During this period, he also paid Rs.21,50,000/- to the accused.

8. Upon notice, status report has been filed on behalf of the respondent-State and relevant portion of the same reads as under:-

> *"4. That after the registration of present case FIR, accused Gurmeet Singh was arrested by the IO, on 24.08.2023. During the investigation stage, it was disclosed by him before the IO that out of cash amount of Rs.21,50,000/-, a sum of Rs.7,50,000/- was handed over by him to accused Balwinder Singh and remaining amount of Rs.14,00,000/- was kept by him and Petitioner Surjeet Singh, to the extent of Rs.7,00,000/- each. Apart from this the amount received by him in his bank account was*

> *transferred by him in the bank account of the remaining accused persons including the petitioner. From collection of record a sum of Rs.3,65,000/- was found to be transferred by accused Gurmeet Singh in the bank account of Petitioner Surjeet Singh."*

9. Thus, it has come in the investigation that petitioner along with his co-accused duped the complainant to the tune of Rs.60,11,000/- on the pretext of sending him abroad. Therefore, this Court feels that in order to unearth the truth, custodial interrogation of the petitioner is the only way out

10. In view of the above, there is no option except to dismiss the petition.

11. Ordered accordingly.

12. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.

13. Pending application(s), if any, shall also stand disposed off.

31.10.2023 **(MAHABIR SINGH SINDHU)**
atulsethi **JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No