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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 48053-2023 (O&M)
Date of decision: 18.10.2023

Sukhwinder Singh*Petitioner*
Versus
State of Haryana*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Hitesh Verma, Advocate
for the petitioner
-.-

Rajbir Sehrawat, J. (Oral)

CRM 40252-2023

Allowed as prayed for.

CRM M 48053-2023

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. 265 dated 05.09.2023, registered under Sections 406, 420 and 506 of the Indian Penal Code and Section 12 of the Chit Funds Act, 1982, at Police Station City Pehowa, Kurukshetra, District Kurukshetra (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner has no concern with the Dollar Company, in which, the money was invested by the complainant. Instead, the petitioner was also duped by the owners of the said company, namely Gurpreet Singh and Jaspal Kaur. The petitioner had also

invested the money, like the complainant, in the Dollar Company. The main accused *i.e.* Gurpreet Singh has issued cheques, amounting to Rs.5,00,000/- to the petitioner as well. Similarly, the cheque was also given to the complainant for return of the money, amounting to Rs.4,50,000/-. Therefore, the petitioner is not involved in the crime at all. Moreover, the complainant is serving as a Constable in the Haryana Police Department. He himself being an agent of the said company has been conducting seminars on behalf of the company, as is reflected from the photographs, which have been appended with the present petition. Hence, the complaint filed by the complainant is totally baseless. The petitioner shall join the investigation as and when called for by the Police. Therefore, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General Haryana accepts notice on behalf of the respondent - State.

Counsel for the State, on instructions from ASI – Shiv Kumar has submitted that as per the allegations, the complainant has been cheated for a sum of Rs.5,00,000/- in the name of investment with the Dollar Company, which is owned by the co-accused of the petitioner. However, it is not disputed that even the petitioner was given the cheque by the accused/owner of the said company, for return of the money, like it was given to the complainant, for return of the money of Rs.4,50,000/-. It is also not disputed that the petitioner is not even the employee of the said Company.

In view of the above, but without commenting any further 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/surety bonds 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

October 18, 2023

mohan bimbura	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No