

213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53119 of 2022(O&M)

Date of Decision: 23.02.2023

Raman Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Prabhjot Singh, Advocate
For the petitioner.**

Mr. C.L. Pawar, Addl. AG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 149 dated 25.10.2022, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Sadar Jalalabad, Police District Fazilka.

The FIR in this case was registered at the instance of complainant Panjab Singh wherein it was alleged that the petitioner and his father had defrauded him of an amount of Rs.12,00,000/- on the pretext of getting employed the son of the complainant in Indian Railways.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the main allegations are against the father of the petitioner namely Sumer Chand who has been arrested. The counsel for the petitioner further submits that the complainant is a retired Sub Inspector from Police Department and even his son is also serving in the same Department and the complainant had already filed one

complaint under Section 138 of Negotiable Instruments Act against Sumer Chand alleging dishonor of cheque worth Rs.7,00,000/-. The counsel for the petitioner further submits that the complainant being a retired Police Officer has tried to rope in the entire family of Sumer Chand including the present petitioner and the only allegations against the petitioner are that complainant handed over an amount of Rs.12,00,000/- to Sumer Chand who handed over the same to the petitioner for the purpose of counting and then the petitioner handed over the said money to his mother Bimla Rani. The counsel for the petitioner further submits that the petitioner has joined the investigation with the police.

The present petition is contested by the State counsel who on instructions from ASI Bishan Ram submits that the petitioner was also part of the fraud which was committed by his father Sumer Chand. However, the State counsel has not disputed the fact that Sumer Chand has been arrested by the police and that the petitioner has joined the investigation with the police.

The complicity of the petitioner will be established during the trial as there is no document available on the record regarding entrustment of Rs.12,00,000/- directly to the petitioner by the complainant.

Thus, without commenting on the merits of the case, instant petition is allowed and order of interim bail dated 18.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

23.02.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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