

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-50647-2023

Date of Decision: 24.11.2023

Lakhwinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Amandeep Singh Jawandha, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana.

Mr. Vikrant Pujara, Advocate
for the complainant.

VIKAS SURI, J.

1. This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0338 dated 27.08.2023, under Sections 406, 420, 506 IPC (Sections 467, 468, 471 and 120-B IPC were added later on) registered at Police Station City Thanesar, District Kurukshetra.
2. Brief facts of the case are that the above captioned FIR has been registered on a complaint dated 27.06.2023 made by Kuldip Kumar for taking action against accused Jayant Raj, Satish, Raj Kumar, Durga Devi and Lakhwinder @ Lucky (petitioner), who cheated him of Rs.83,47,000/- on the pretext of sending him abroad, and on asking for return of the money, have threatened to kill him. As per the allegations, accused Jayant Raj is

running a company under the name and style of Trinity Export dealing in sending people abroad. All the accused allured the complainant that they will send the complainant and his wife to Canada on permanent residency basis. The deal was struck for a sum of Rs. one crore five lakh, and they demanded half of the total sum first. The said amount was given to the accused persons on different dates and venues.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated by the complainant. It is submitted that there are only bald allegations against the petitioner and no amount has ever been received by the petitioner or transferred in his account. There is no receipt of the amount having been received at the behest of petitioner. It is submitted that the petitioner does not know the complainant and has never met him. It is further submitted that the complainant has not come up with true facts. Learned counsel submits that the petitioner is ready to join investigation and cooperate with the investigating agency and thus, no useful purpose would be served by sending the petitioner behind bars.

4. Upon notice having been issued, status report by way of affidavit dated 04.11.2023 has already been filed.

5. Learned State counsel has opposed the present petition by stating that there are specific allegations against the petitioner that he has received an amount of Rs.40,000/- through online transaction and also received cash amount of Rs.6,00,000/- and Rs.5,30,000/-, respectively, along with co-accused Jayant and Satish for preparing fake documents. Learned State counsel has referred to para 5 of the status report to submit that

recovery of Rs.13,65,000/- has to be effected from the petitioner. There is an allegation against the petitioner of having given false assurance to the complainant that the latter will get an online visa within 15 days and on that account, he had received another sum of Rs.80,000/- in his bank account. Learned State counsel submits that the custodial interrogation of the petitioner is essential to recover the fake documents and large amount of money, which has been cheated by him in the form of cash as well as through online transactions. In case the petitioner is granted the concession of anticipatory bail, he may influence or threaten the witnesses. On this basis, learned State counsel prays for dismissal of the present petition.

6. Learned counsel appearing for the complainant has argued on the same lines and submitted that the petitioner has cheated the complainant by conspiring with co-accused and duping him of a large amount of money, which is to be recovered from the petitioner.

7. Heard.

8. After hearing learned counsel for the parties and going through the pleadings of the case as well as status report filed by the State, this Court does not deem it to be fit case for grant of concession of anticipatory bail to the petitioner. There are specific allegations against the petitioner that he had received a large amount from the complainant on pretext of sending him alongwith his wife abroad and gave false assurances with an intention to cheat them. In the considered opinion of this Court, custodial interrogation of the petitioner is very much essential to unearth the nexus and to extract relevant records and examine statements of bank accounts as well as identification of the persons involved in the commission of offences. No

ground is made out to *prima facie* disbelieve the allegations made against the petitioner at this stage. In the present case, material information is likely to be extracted from the petitioner to reveal the *modus operandi* and if he is granted the concession of anticipatory bail, it will certainly hamper the investigation. The allegations levelled against the petitioner are serious in nature and, therefore, he is not entitled for grant of anticipatory bail at this stage.

9. In light of the above discussion, the instant petition is dismissed.

10. It is made clear that anything observed hereinabove is only for just decision of the present petition and the same shall not influence the investigation in any manner.

November 24, 2023
harish

(VIKAS SURI)
JUDGE

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