

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

CRM-M No.52233 of 2023
Date of decision: 7th December, 2023

Darshan Lal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jitender S. Dadwal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0079 dated 12.06.2023 under Sections 420, 120-B of the IPC registered at Police Station Meharban, District Ludhiana.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the case at hand along with other co-accused for allegedly defrauding the complainant to the tune of ₹ 7.10 lacs on the pretext of selling her a plot along with a house constructed therein. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, learned counsel has further submitted that a bare perusal of the same reveals that neither was the petitioner a beneficiary of the money in question nor was any amount of money ever entrusted to him. It has been submitted that even otherwise, co-accused

had already been extended the concession of anticipatory bail. In support, he has drawn the attention of this Court to Annexure P-2. Learned counsel has lastly submitted that the custodial interrogation of the petitioner would serve no useful purpose as nothing was required to be recovered from him.

3. Mr. Mohit Kapoor, Addl. Advocate General, Punjab puts in appearance on behalf of the respondent/State and Mr. Vijay Lath, Advocate on behalf of the complainant to assist the State.

4. Learned counsel for the respondents have vehemently opposed the prayer made by the learned counsel for the petitioner, and submitted that there are serious allegations levelled against the petitioner, who after conniving with the co-accused defrauded the complainant in a planned manner, and subsequently, misappropriated a large sum of money. It has also been submitted that a detailed enquiry was carried out after the registration of the FIR in question, wherein it came to light that the petitioner along with the co-accused had indeed taken an amount of ₹7,10,000/- from the complainant on the pretext of selling a house to her, which already stood sold by the complainant to one Purshotam Lal way back in the year 1992. Learned State counsel has also contended that despite notices under Sections 41(A) of the Cr.P.C. having been issued to the petitioner, he had failed to join investigation; the custodial interrogation of the petitioner was required in the case to ascertain the entire modus operandi of the accused.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Prima facie, there are serious allegation against the petitioner, who in connivance with the co-accused duped the complainant of more than ₹ 7.10 lacs. The petitioner cannot seek parity with the co-accused, who were extended the concession of bail, as there were no allegations against them of having received any money; the petitioner on the other hand prima facie appears to be a direct beneficiary of the transaction in question.

7. In the light of the allegations levelled against the petitioner, he does not deserve the extraordinary concession of anticipatory bail. The petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 7, 2023
rps

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