

CRM-M-53063-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 06.11.2023

AKASH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Namit Khurana, Advocate and
Mr. Omkar Chauhan, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C., praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.608 dated 28.07.2023, registered at Police Station City Karnal, District Karnal, under Sections 406, 420 and 506 IPC.

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and frivolous. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, there is no material against the petitioner to show that he had ever promised to sell the gold to the complainant. Rather, the petitioner had gone to the complainant to evaluate his gold. At that point of time, the complainant had enticed the petitioner to sell his gold for an amount of Rs.8.50,000/-. In pursuance of that assurance, the complainant even deposited Rs.6,90,000/- in the account of the petitioner and had kept the

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jewellery of the petitioner. However, when the petitioner demanded his balance money, the present FIR has been concocted by the complainant. There is no other case against the petitioner. The petitioner shall join the investigation as and when called for by the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Krishan Kumar Chahal, Addl. A. G. Haryana, accepted notice on behalf of the respondent-State. At this stage, Mr. Naveen Kashyap, Advocate, appears for the complainant.

5. Counsel for the State, being assisted by counsel for the complainant, submits that the petitioner has directly defrauded the complainant after getting the amount of Rs.6,90,000/-. The petitioner had taken the money from the complainant, on the assurance that he would bring the gold which was already mortgaged with IIFL Bank Ltd., and would sell it to the complainant after clearing his loan. However, after getting the money from the complainant, the petitioner continued lingering on the matter. Counsel for the State has relied upon the whatsapp chat in which, allegedly, the petitioner has repeatedly assured the complainant to return the money. The investigation is at the initial stage. The police are to unearth the true dimensions of the involvement of the petitioner in the crime. Therefore, the custodial interrogation of the petitioner is imperative in this case. Hence, the petitioner does not deserve to be protected against his arrest.

6. In view of the facts and circumstances available in the present case, as well as, submissions made by counsel for the State, this Court does

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not find it appropriate to interfere in the matter, so as to grant concession of anticipatory bail to the petitioner.

7. Dismissed.

06.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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