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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10655-2024 (O&M)

Date of Decision: 29.02.2024

Bhagwati Parsad

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Karan Choudhary, Advocate
for the petitioner

Mr. Subhash Godara, Addl. AG Punjab

HARPREET SINGH BRAR, J. (ORAL)

1. The prayer in the present petition under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') is for grant of anticipatory bail to the petitioner, however, no FIR has been registered yet.
2. Succinctly, the facts are that the petitioner works for one Arjun Sharma who runs an immigration service in the name and style of M/s Pension Overseas VISA Consultant in Gurdaspur. The sons of the complainants- Kawaljit Singh and Manohar Lal approached Arjun Sharma for going abroad. It was agreed that Arjun Sharma will provide work permit for United Kingdoms to them. The sons of the complainants moved to the UK and started working there. However, after some time, their employer-company was banned by the UK government. The sons of the complainants were asked to find another job by June, 2021 by the UK government or leave the country. Now, the complainants have moved a false

complaint against the petitioner before respondent no. 2 claiming that he has cheated them of Rs. 22,00,000/-. The inquiry regarding the same has been marked to respondent no. 3 and the petitioner has already joined the inquiry. However, no FIR has been registered as of now.

3. Learned counsel for the petitioner submits that the complainants are threatening the petitioner by boasting their good links with high ranking police officials. As a matter of fact, officials from the offices of respondent no. 2 and 3 have been harassing the petitioner by calling him to the office over and over again, without issuance of any summons or notice, where they humiliate and torture him. They have also threatened to arrest the petitioner. He further submits that the petitioner has serious apprehensions of not only being roped in in a false case but also his well-being and prays that he be admitted to pre-arrest bail.

4. I have heard learned counsel for the petitioner and perused the record of the case with his able assistance. A perusal of the impugned order dated 21.02.2024 passed by the learned Sessions Judge, Gurdapur indicates that on the complaint filed against the petitioner by the complainant for cheating him for an amount of Rs.22 lakhs, the Senior Superintendent of Police, Gurdaspur had marked inquiry into the matter to DSP (Headquarter), who joined the petitioner in the enquiry, however, till date, no FIR has been registered against him. It was further observed by the learned Sessions Judge, Gurdaspur that in the event of registration of the FIR, the police would obviously comply with the provisions of Section 41 and 41-A Cr.P.C.

5. In view of the aforesaid fact, this Court finds no ground to grant anticipatory bail to the petitioner. However, in the event of registration of the FIR on the complaint made by the complainants namely Manohar Lal and Kawaljit

Singh, the investigating agency shall serve a seven days advance notice upon the petitioner under Section 41-A Cr.P.C.

6. With the aforesaid observation, the instant petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

February 29, 2024
Pankaj*

Whether speaking/reasoned :	Yes/No
Whether Reportable:	Yes/No