

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18997 of 2024
Reserved on: 02.08.2024
Pronounced on: 30.08.2024

Darshan Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Ms. Swati Batra, DAG, Punjab
(Through video conferencing).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
221	18.11.2023	Civil Lines, Police Commissionerate Amritsar	420, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 19 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from reply dated 15.07.2024 which reads as under:

“Role of the petitioner and evidence against him.

3. That the brief and relevant facts of the case are that the aforesaid FIR No. 221 dated 18.11.2023 was registered against the petitioner and co- accused Ashok Kumar and unidentified persons as per the directions of the then Commissioner of Police, Amritsar City after obtaining a legal opinion from District Attorney (Legal), Amritsar pursuant to the recommendation made by the Additional Deputy Commissioner of Police City-II, Amritsar City vide detailed enquiry report dated 30.10.2023 submitted by him in his office after verifying the facts alleged the complainant Bhupinder Singh son of Sudarshan Singh in his complaints No. 3406-PD dated 31.07.2020 and UID-1843357 dated 04.08.2020 filed by him in the office of Director General of Police, Punjab and Senior Superintendent of Police, Hoshiarpur against the petitioner, Ashok Kumar, Kirpal Singh son of Manjit Singh and two unknown persons.

4. That the complainant had initially filed a complaint in the office of the Senior Superintendent of Police, Hoshiarpur but as the matter pertains within in the territorial jurisdiction of Amritsar City, therefore the aforesaid complaint was forwarded to the office of Commissioner of Police, Amritsar City, wherein the complainant has alleged therein that the petitioner and his accomplice Ashok Kumar had cheated them with dishonest and fraudulent intention by taking Rs. 20 Lakh from him, Bhupinder Singh and Mandeep Singh on the pretext of making an investment in opening of Dairy Farm for the Patanjli Company by entering into agreement into sell dated 20.11.2018 despite the land was already mortgaged to Dena Bank, Hoshiarpur in connivance and conspiring with each other to tune into Rs. 20 Lakh. The detailed facts mentioned by complainant in his aforesaid complaint have been reproduced in the true translation of the FIR No. 221 dated 18.11.2023 attached with the petition as Annexure P-1, which may kindly be read as part of the present paragraph please as same are not repeated here for the sake of brevity.

5. That after the registration of the FIR, an investigation was commenced by ASI Balwinder Singh No. 3331/ASR, who issued notice under section 41-A Cr.P.C dated 04.12.2023 and 07.02.2024 to the petitioner to join the investigation and present their version but they did not bother to comply with the aforesaid notice and remained elusive to the investigating officer.

6. That as per the version of the complainant, he has paid a cash of Rs. 20 Lakh to the petitioner in cash but he did not produce any documentary evidence to support of his claim.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes bail. Ms. Swati Batra, learned Deputy Advocate General argued that the loan taken on the property was for Rs. 70 Lacs, whereas the petitioner disclosed the same as Rs. 70 thousand and did not deposit Rs. 20 Lacs advance for repayment of the loan.

6. The sly way the petitioner conned the complainant points out the dangerous trend of the revival of thuggee by revisiting the history. Thus, given the nature of the allegations and the gravity of the offense, the petitioner is not entitled to anticipatory bail.

7. It would be appropriate to refer to the reasoning portion of the dismissal of bail order passed by the Sessions Court, which reads as follows:

“ Hence, keeping in view the conduct of the applicant-accused that he is not cooperating in the investigation despite the fact that he has been served notices under Section 41 of the Code of Criminal Procedure, 1973, a number of times, firstly on 04.12.2023, then on 16.12.2023, and on 07.02.2024, he is not entitled to grant of concession of anticipatory bail. Therefore, the present anticipatory bail application filed by the applicant-accused is hereby dismissed.”

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. Any further

discussions will likely prejudice the petitioner; this court refrains from doing so.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.