



108 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18930-2024
Date of decision: 15th July, 2024

Love Kumar
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
8	14.02.2024	Lambra, District Jalandhar	406 and 420 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant Neeta alleging therein that the petitioner who was known to him since long represented to him that he was working as a property dealer and could help him in purchasing a house available at village Kalyanpur Colony. He showed a house to him and



induced him to purchase that house for a sum of Rs. 5,15,000/-. He asked him to pay an amount of Rs. 23,000/- as advance money and assured to complete all other formalities. The complainant gave that amount to him. Some days thereafter, the petitioner told the complainant to get an amount of Rs. 80,000/- deposited in his own bank account by representing that the same was a necessary condition for grant of loan while inducing him that he could also arrange loan for him for purchase of house. Believing him, the complainant deposited an amount of Rs. 80,000/- in his bank account. The petitioner also took three blank cheques duly signed by complainant from him on the pretext of arranging loan for him. Subsequently, he came to know that one of those blank cheques was used by the petitioner by withdrawing an amount of Rs. 79,000/- from his bank account and transferring it to his own bank account. On asking, the petitioner told him that the said amount has been transferred for arranging loan and also that he would be getting loan of a sum of Rs.2,00,000/- from M/s Kalgidhar Finance Surya Enclave, Jalandhar at the earliest. He again entrapped him to give three more cheques. He got sanctioned an amount of Rs. 60,000/- from M/s Kalgidhar Finance Surya Enclave, Jalandhar but the entire money was taken by himself. The petitioner duped him of a sum of Rs. 1,97,000/- on pretext of various expenses without giving any account of the same and when the complainant asked for the same, he was threatened with dire consequences. As such, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 18.02.2024. He



moved an application for grant of regular bail before the Court of learned Sessions Judge, Jalandhar which was dismissed vide order dated 04.04.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The complainant was knowing about the transaction of loan since the very beginning. He had even sworn an affidavit on 13.03.2023 admitting that an amount of Rs. 79,000/- had been returned to him by the petitioner. Infact, the petitioner helped the complainant in providing loan to him from M/s Kalgidhar Finance Surya Enclave, Jalandhar and it was the complainant who misused his trust and falsely involved him in this case. Investigation has since been completed. Trial is likely to take time. He has a permanent abode. There are no chances of his absconding or intimidating the witnesses. The subject offences are triable by Magistrate. With these broad submissions, it is argued that the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner has criminal antecedents. He has been involved in as many as sixteen criminal cases and a complaint lodged by the present complainant subsequent to lodging of FIR of this case alleging that he had criminally trespassed into his house on the night of 06.04.2024 and had criminally intimidated his family members, is also pending. Other complaints are also pending. Preventive actions have been taken against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued



that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have duped the complainant of a sum of Rs. 1,97,000/- by deceiving him on the pretext of providing loan to him and getting a house purchased for him. He is alleged to have criminally misappropriated the amount of money obtained by way of loan in the name of the complainant. Though it has been submitted that he has been acquitted in some of the cases and one of the FIRs registered under Sections 420 read with Section 120-B of IPC stands quashed, however, the record nonetheless clearly shows that the petitioner has criminal antecedents. The allegations against the petitioner are serious in nature. The material witnesses are yet to be examined. Complaint has already been filed by the complainant that he has criminally intimidated his family members subsequent to lodging of FIR of this case. As such the plea as taken by the complainant that the petitioner may intimidate him, if extended benefit of bail during trial cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations levelled against the petitioner, his criminal antecedents, chances of his intimidating the witnesses and the attendant facts and circumstances of the case but without meaning to make any comments on the merits thereof, I am inclined to hold that he does not deserve to be extended benefit of bail at this stage. Hence, his plea for bail is rejected and the petition is dismissed.



7. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th July, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |