



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

**CRM-M-22398-2024
Decided on:-13.05.2024**

Bikramjit Singh @ VickyPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Santokhwinder S. Grewal, Advocate for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.75, dated 28.04.2022 registered under Sections 420 and 120-B IPC at Police Station Talwandi Sabo, District Bathinda, wherein, he has been implicated with the allegations of having cheated the complainant to the tune of Rs.45 lakhs, on the pretext of getting him appointed as Sub-Inspector with Punjab Police under CM quota.

2. Learned counsel for the petitioner submits that there has been unexplained delay in levelling of allegations. He points out that even as per the FIR, the money was handed over to the petitioner in the year 2016, whereas, the first complaint was made on 08.07.2021 i.e. after a gap of more than 5½ years and thus there was no substance in the accusations.

3. On the other hand, prayer made herein has been opposed at the

instance of learned State counsel while referring to the antecedents of the petitioner, who is stated to be involved in 09 more cases relating to similar allegations and thus, he does not deserve the concession of anticipatory bail.

4. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

5. Perusal of FIR shows that specific and categoric allegations have been levelled against the petitioner of cheating/defrauding the complainant by inducing him to hand over a sum of Rs.45 lakhs under the pretext of getting him job. Mere fact that the complaint was filed after a period of 05½ years cannot be considered as a sole ground for granting the benefit of anticipatory bail in favour of petitioner as any individual having parted with money may try to wait reasonably before initiating any legal action. Besides it, the manner in which the offence has been committed coupled with the antecedents of the petitioner, who is stated to be involved in 09 more cases of similar nature further disentitles him for grant of discretionary relief. The details of 09 cases are as under:-

Sr. No.	FIR No.	Offence u/s	Police Station
1.	FIR No. 206/2019	u/s 119, 420, 465, 467, 466, 467, 120-B IPC	PS Malout
2	FIR No.58/2021	u/s 420, 120-B IPC	PS Canal Colony, Bathinda
3	FIR No.90/2017	u/s 406 IPC	PS City Abohar
4	FIR No.46/2017	u/s 406, 420, 120-B IPC	PS Talwara Tibbi
5.	FIR No.113/2017	u/s 491, 420, 465, 466, 467, 120-B IPC	PS Barnala
6.	FIR No.269/2017	u/s 420, 465, 466, 467, 120-B IPC	PS Hanumangarh
7	FIR No.126/2015	u/s 379, 411 IPC	PS Sadar, Fazilka

8.	FIR No.272/2019	u/s 457, 380 IPC,	PS Pilli Banga
9.	FIR No.109/2019	u/s 420, 406 IPC	PS Pilli Banga

Thus, in order to secure fair and free investigation, the custodial interrogation of the petitioner would be necessary and as such, he is not entitled for grant of discretionary relief of anticipatory bail

Reference in this regard can also be made to a decision rendered by the Hon’ble Apex Court in case of **“Srikant Upadhay others vs. State of Bihar and another”** reported as 2024 INSC 202. Relevant paragraph No.8 of the said judgment is reproduced hereunder:-

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr. PC is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in HDFC Bank Ltd. v. J.J.Mannan & Anr.)”

6. In view of the discussion made herein above, the present petition is thus, dismissed being devoid of merits.

13.05.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No