

CRM-M-31949-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31949-2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024

Pal Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
231	23.04.2024	Old Industrial Panipat	406/420 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. As per paragraph 14 of the bail petition, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	694	2020	---	---
2	102	2020	---	---
3	402	2021	---	---

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the case of the prosecution in the nutshell is that the complainant Subhash S/o Sunhera had filed a complaint No.2899-Peshi dated 13/12/2023 by name against the petitioner with the allegations that the complainant, who is a school bus driver and the petitioner/accused were known to each other. On 15/03/2023 the petitioner came at the complainant's school in Tehsil Camp Panipat and said that the petitioner's brother was in German and a driver was needed there and also induced the complainant to send him to German as a driver to earn huge money. The Petitioner demanded Rs.7.00 Lac for the work so complainant on 19/3/2023 paid Rs.110000/- and on 26/3/2023 paid another sum of Rs.122000/- to the petitioner. The petitioner used to come at complainant's house to take money and the complainant paid total Rs.7,68,000/- on different dates to the petitioner. But neither the complainant was sent

CRM-M-31949-2024

abroad nor his money was returned. The complainant, whenever demanded his money, was intimidated by the petitioner with a religious sword kept by him. A panchayat was held wherein he had issued cheque No.000064 Dt.20/11/2023 of Rs.5.00 Lac drawn on RBL Bank in favour of Narvir Singh, who was Panchayati, but the petitioner had intentionally put his wrong signatures thereon to cheat the complainant so the said cheque was dishonoured by the banker vide memo Dt.21/11/2023 with remarks 'Drawers Signature Differs'.

The enquiry on the said complaint was carried out by P/SI Deepak and he has repeated visited to the residence of the petitioner to serve the notices No. 602 Dt.08/01/2024 and 610 Dt.05/02/2024 with the direction to appear with the relevant evidence in his favour to conclude the enquiry of the complaint. He was not met at house and his family members also not co-operated with the police. The petitioner was contacted on phone about the complaint but he repeatedly refused to join the enquiry. So a recommendation was made by P/SI Deepak for registration of FIR which was approved by the Superintendent of Panipat on 23/04/2024 for registration of FIR and detailed investigation in the matter.

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's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“3. That a formal FIR No.231 dated 23/04/2024 under Sections 406, 420 of Indian Penal Code was registered at P.S. Old Industrial Panipat and Investigation was carried out by ASI Ram Parshad No.53, P.S. Old Industrial Panipat and collected the following relevant records pertaining to case:-

i. Notices No.602 Dt.8/1/2024 and 610 Dt.5/2/2024 issued by P/SI Deepak prior registration of FIR to the petitioner to join the enquiry of the complaint No.2899- Peshi Dt.13/12/2023 (notices Annexed R-1 with Status Report).

ii. Cheque No.000054 Dt.20/11/2023 of Rs.5 Lac drawn on RBL Bank issued by the petitioner in favour of Narvir Singh and its dishonoured memo Dt.21/11/2023 with remarks 'Drawers Signature Differs'. (Cheque & memo Annexed R-2 with Status Report).

iii. Cheque No.000062 Dt.10/11/2023 of Rs.1 Lac drawn on RBL Bank issued by the petitioner for SELF to complainant but the bank refused to encash said cheque. (Cheque Annexed R-3 with Status Report).

iv. Transcription of telephonic conversation between the complainant and petitioner wherein he was repeatedly accepting to send the complainant to Germany.

v. Narvir Singh S/o Ranbir Singh and Medh Singh S/o Daya Singh have

CRM-M-31949-2024

voluntarily Joined Investigation and stated that complainant was cheated by the petitioner and issued Cheque No.000054 Dt.20/11/2023 of Rs.5 Lac drawn on RBL Bank in favour of Narvir Singh. (Statements Annexed R-4 and R-5 with Status Report.

4. That the above said material evidences were sufficient to arrest the petitioner. The petitioner has not appeared before the police till date. The amount of Rs. 7,68,000/- was given to the petitioner by the complainant in cash on different dates on the pretext of sending him abroad. The custodial interrogation of the petitioner is essential for recovery of the amount of cheating of Rs.7,68,000/- and passport of the complainant and further to know the other persons involved with him in the crime. The investigation of case is still pending and the police assure to consider the grievances of petitioner also while concluding investigation of the case against him.”

7. The allegations pertain to cheating on assuring visa under the garb of payment of money. Although the complainant also knew that they were paying money to get a Visa through illegal means, and undoubtedly, later on, cried foul, it is just like the kettle calling the pot black, but a con cannot seek bail because of the victim's stupidity or his cunningness and shrewdness. The sly way the petitioner and his accomplices conned, tricked, deceived, swindled, and defrauded the gullible complainant points towards the dangerous trend of the revival of thuggee, and if not sternly dealt with now, it might upsurge, revisiting the history.

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
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.