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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32801-2024
Date of Decision:- 09.08.2024

RAKESH KUMARPetitioner

Vs.

STATE OF PUNJAB ...Respondent

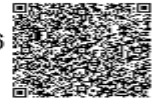
CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner

Mr. Kewal Singh, Addl. A.G., Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Rakesh Kumar has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.46 dated 25.04.2024 under Sections 420 and 506 of IPC, Police Station Sadar, Gurdaspur, District Gurdaspur.
2. Facts of the case are that Dharminder Singh filed complaint to SSP, Gurdaspur alleging that Rakesh Kumar had taken sum of Rs.53 lakhs for investment in his business with the assurance that he will return the entire money. He lodged false complaint against him through his mother. Matter was compromised and he requested for one year to make the payment. After few days, he sent him an audio recording threatening him that in case he demanded money he will consume poison and will implicate

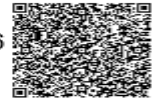


him in a false case. Rakesh Kumar is doing business of finance in the name of RH Finance Company and he has taken money from different persons. Cheque bounce cases are pending against him. Said audio recording has gone viral as a result he felt insulted in the society and he is mentally upset. With these allegations, matter was enquired and present FIR was registered.

3. Learned counsel for petitioner argued that petitioner is falsely implicated in this case. Matter in controversy is civil in nature. Petitioner is liable only to the extent of Rs.9.5 lakhs towards the complainant – party. In-fact complainant is trying to extort extra money from him on the basis of this FIR. He is ready to join investigation. Therefore, he may be released on anticipatory bail.

4. Bail application is opposed by learned counsel representing the State. Status report is also filed which is taken on record. It is pointed out that four persons have filed separate representations namely Dharminder Singh, Hardev Singh, Daljit Singh and Harmanjit Singh for committing fraud of Rs.78 lakhs for investment of money in his finance business. Matter was enquired by Deputy Superintendent of Police, PBI Gurdaspur and thereafter present FIR has been registered. He is also involved in another FIR No.37 dated 31.03.2024 under Section 420 of IPC, Police Station Sadar, Gurdaspur. Petitioner is yet to join the investigation. Therefore, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. Arrest of petitioner was stayed to explore the possibility of compromise before Mediation and Conciliation Centre but unfortunately it failed.



Present petitioner is specifically named. Apart from the complainant three other persons are also involved who had allegedly invested money total Rs.78 lakhs which he had now refused to return by committing fraud. He is also involved in an another FIR of similar nature. Therefore, considering the gravity of offence and huge amount involved in this case, I do not find a fit case for anticipatory bail and the same is, accordingly, declined.

6. My observations are made for the disposal of this petition and it will have no bearing on the merits of case.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

09.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No