

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-37017-2024 (O&M)
Date of Decision:- 03.10.2024

BALWINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Brar, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

Mr. Navkesh Singh, Advocate
for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 CrPC
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
173	31.12.2023	406, 420, 120-B IPC	Division No.4, Patiala, District Patiala

2. Sh. Satnam Singh, Deputy Superintendent of Police, City-1,
Patiala is present in Court and has filed the Action taken report by way of
affidavit of Senior Superintendent of Police, Patiala, District Patiala, which



is taken on record.

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner has no concern with the alleged transaction but has been falsely named in the FIR on account of previous enmity. He contends that there is an unexplained delay of 2 years in lodging of the FIR, which creates doubt regarding the genuineness thereof. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant while referring to the reply submitted by State has assailed the arguments advanced by learned counsel for the petitioner and submitted that the petitioner along with co-accused had duped the complainant on the pretext of providing him Government job and had taken ₹5,50,000/- from him. It is contended that the active participation of the petitioner in the crime is evident from the recorded conversation between the petitioner and the complainant and the custodial interrogation of the petitioner is required to unearth the *modus operandi*. Hence, prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of complaint moved by one Gurjant Singh on the allegations that in May 2018, the petitioner along with his father Jujhar Singh had come to the house of ex-



sarpanch Dhyan Singh and uncle of the complainant namely Mohinder Singh was called to meet them. The petitioner and his father told that they are close to the then Chief Minister, Haryana and can get employment for any of their educated family member. Thereafter, the complainant along with his father and ex-sarpanch Dhyan Singh went to Himachal Bhawan Chandigarh where they met the petitioner and his father Jujhar Singh and one Rajbir. Those persons demanded ₹7,50,000/- for providing a job of Clerk to the complainant. Thereafter, an amount of ₹5,50,000/- was paid to the accused on different dates but they neither provided him any job nor returned the amount.

7. During the course of proceedings, a transcript of recorded conversation between the accused persons and complainant has been produced, copy of which has been supplied to learned counsel for the petitioner as well. A perusal of the same would reveal active participation of the petitioner in the alleged occurrence. Moreover, there are specific allegations against the petitioner that he along with co-accused had allured the complainant of providing him a Government job and had taken ₹5,50,000/- for that purpose but neither the job was provided nor the amount was returned.

8. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail. The custodial interrogation of the petitioner is required to unearth the *modus operandi*. Hence, finding no merit in the instant petition, the same is hereby dismissed.



9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.10.2024

S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |