IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102 **CRM-M-40796-2024**
Date of Decision : August 23, 2024

GAURAV SOOD ALIAS GAURAV **-PETITIONER**

V/S

STATE OF PUNJAB **-RESPONDENT**

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Rahul Juneja, Advocate with
Mr. Jasinder Singh Sekhon, Advocate
for the complainant.

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<u>KULDEEP TIWARI, J. (ORAL)</u>

1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner, who is involved in 11 more criminal cases, seeks the concession of anticipatory bail, in case FIR No.32 dated 02.04.2024, under Section 420 of the IPC, and, Section 24 of the Immigration Act, registered at P.S. Dehlon, District Ludhiana.

2. The learned counsel for the petitioner submits that, in fact, the complainant has been duped by one Harbans Singh Vaid and the petitioner has been made a scapegoat and unnecessarily dragged in the present FIR, as is apparent from the contents of the present FIR itself. He further submits that, even the cheque book of the complainant’s son is alleged to have been misused by Harbans Singh Vaid and the petitioner had no role whatsoever

in commission of the alleged crime.

3. This Court has heard the submissions made by the learned counsel for the petitioner and also perused the record. What emerges from a studied survey of the record available before this Court, is that, one Harbans Singh Vaid along with the petitioner duped the complainant for approx. Rs.47,25,000/-, on the pretext of sending his son Somanpreet Singh to Canada on study visa. Although the main allegations in the present FIR are voiced against Harbans Singh Vaid, however, it has surfaced during investigation that the petitioner had sworn an affidavit, thereby admitting receipt of Rs.47,30,000/- through Kotak Mahindra Bank in order to send complainant’s son to Canada on study-cum-work permit. Not only this, the said affidavit also encompassed an admission of the petitioner to return the amount within six months in two installments. However, the petitioner did not abide by his undertaking and did not make any payment to the complainant.

4. What further emerged during investigation, is that, Harbans Singh Vaid arranged the meeting of complainant with the petitioner at his chemist shop and it was the petitioner, who got opened the bank account of complainant’s son in Kotak Mahindra Bank, Branch: Model Town. The petitioner also obtained signatures of the complainant’s son on many papers and on his cheque book and he even retained his cheque book. Thereafter, the petitioner got deposited approx. Rs.47 lacs from the complainant, through different transactions, in the Kotak Mahindra Bank Account No.7612083681 belonging to the complainant’s son, and, subsequently he

used the signed cheques of the complainant's son for withdrawing/transferring the said amount in the fake accounts opened in the name of Davinder Singh, Gurwinder Singh, Jasmeet Kaur and Harmohanpal Singh. In this way, *prima facie,* the petitioner is the one, who cheated the complainant for approx. Rs. 47 lacs on the pretext of sending his son abroad and there is sufficient documentary evidence to corroborate the prosecution's case.

5. Taking into account the hereinabove discussed role of the petitioner, as surfaced during investigation, and, also the fact that the petitioner is a habitual offender, as he is involved in 11 more criminal cases, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner. Consequently, the instant petition is **dismissed.**

(KULDEEP TIWARI)
JUDGE

August 23, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No