



CRM-34720-2024 in/and
CRM-M-58433-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+209

CRM-34720-2024 in/and
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Date of decision: 31st August, 2024

Jaswinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Ms. Divya Gulati, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

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This application has been filed for placing on record the amended headnote as well as prayer clause of the main petition.

For the reasons mentioned in the application, the same is allowed.

Allowed as prayed for.

Main case

Prayer in this petition has been made by the petitioner seeking benefit of pre-arrest bail in case arising out of FIR No. 21 dated 15.02.2023 registered under Sections 420 and 34 of IPC, 1860 at Police Station Kamboj, District Amritsar Rural on the basis of a statement recorded by complainant-



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Lakhbir Singh who was an ex-army personnel and was then working as a security guard at Central Jail, Amritsar, alleging therein that he came into contact with the petitioner on 21.09.2021. During the course of conversation, the latter had disclosed to him that he knew one Balbir Singh, Advocate who was in contact with several officers posted on high posts and the said Balbir Singh could help him in getting his job made permanent on spending an amount of Rs. 6,00,000/- from him. On inducement so made by the petitioner, the complainant agreed to pay him money. On 29.01.2021, the petitioner took him to the office of DGP, Punjab wherein an amount of Rs. 4,00,000/- was extracted by him from the complainant and was given to the above said Balbir Singh in his presence. The petitioner also asked the complainant to pay the balance amount of Rs. 2,00,000/-. He got deposited a sum of Rs. 1,50,000/- in the account of co-accused Kulwant Singh on 03.12.2021 on asking of the petitioner and cash amount of Rs. 50,000/- was given in cash. Thereafter, he again took an amount of Rs. 3,00,000/- from the complainant on the pretext of getting a job secured for one Sukhmanjeet. However, neither the complainant was made permanent in his job nor his money was returned. He alleged that he had been cheated by the petitioner and wrongful loss has been caused to him. He prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Amritsar, which was dismissed vide order dated 10.10.2023.



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3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is working as farm labour. He does not know any person posted on higher post in Punjab Government retired. On the other hand, complainant is a retired from army and is working as security guard in Fatehpur Jail. It is improbable that he would pay any money on assurance of the petitioner. Infact, the complainant is running a monthly committee (chit fund) and the installments of this chit fund are given every month. The petitioner had taken the money received in the committee by way of transfer by the complainant and no amount of money was taken by him for the purpose of cheating the complainant. The co-accused Kulwant Singh has since been extended benefit of regular bail. The allegations against the petitioner are highly improbable, unnatural and baseless and do not make out any case for commission of offence punishable under Section 420 of IPC read with Section 34 of IPC. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Hence, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is submitted therein and it is argued by learned State counsel that before registration of FIR, inquiry was conducted into the matter and it was found that the petitioner had got deposited money in the account of co-accused Kulwant Singh on the pretext of permanent appointment of the complainant and also on the pretext of getting a job for Sukhmanjeet Singh. Offence under Section 8 of Prevention of Corruption Act has been added during the course of



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investigation. The petitioner is a habitual offender. One more case bearing FIR No. 21 of 2023 is pending against him containing similar allegations. There are chances of petitioner's absconding or committing similar offences, if extended benefit of bail. His custodial interrogation is required for the purpose of important information as well as for thorough investigation of the matter by the police. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have induced the complainant to part with huge amount of money on the pretext of getting his temporary job made permanent through police officers of high ranks in State of Punjab and is further alleged to have caused wrongful loss to the complainant and made wrongful gain for himself. The allegations against the petitioner are specific and serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from



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justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]
JUDGE**

31st August, 2024

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*