

In the Court of Sh. Muneesh Arora, Addl. Sessions Judge,
Ludhiana.

C.Gen. No. BA/3089/2019
CNR No. PBLD0101083312019
Date of order: 26.4.2019

State Vs Baldev Raj, aged 39 years, son of Kashmira Singh, r/o Village
Jodhwal, P.S Machhiwara, Distt. Ludhiana

FIR No. 46 of 17.4.2019
U/S 420/120-B IPC
Police Station Machhiwara,
Police District Khanna.

Present: Sh. Tarlok Singh, Advocate for applicant/accused
Baldev Singh
Ms. Neelam Pathak, Additional Public Prosecutor for
respondent- State.
Sh. Chandan Kaushal, Advocate for complainant.

ORDER

On notice Ld. Addl. PP appeared for respondent-State. Police file presented by the Ld. Addl. PP for the state is perused and returned to him. Sh. Chandan Kaushal, Advocate appeared and filed power of attorney for complainant. Arguments on application having been moved under section 438 Cr.P.C for anticipatory bail, on behalf of accused/applicant heard in the above referred application.

2. It is argued by Ld. Counsel for applicant/accused that latter has been falsely implicated. No amount, as alleged, has been received by him from complainant. Nothing is to be recovered from him. The allegations levelled by complainant are totally false and frivolous. He is ready to join the investigation as and when directed by the police. With these assertions Ld. Counsel for applicant prayed that the applicant may

be admitted to anticipatory bail.

3. Learned APP for the state, assisted by Ld. Counsel for complainant vehemently opposed the bail application contending that there are serious allegations of cheating against the applicant. Recovery of involved amount is yet to be effected for which custodial interrogation of applicant is necessary. Hence the prayer to dismiss the application.

4. I have heard learned counsel for applicant/accused, Ld. Addl. PP for the State as well as Ld. Counsel for complainant and have perused the record.

5. The present case has been registered on the basis of complaint moved by complainant Sukhdeep Singh to the SP, Khanna for registration of case against non-applicant Sukhdev Singh and applicant Baldev Singh for cheating him on the pretext of sending him abroad. As per the allegations the complainant wanted to go abroad. Non-applicant Sukhdev Singh had already moved to Spain. Sukhdev Singh was known to complainant who told him that he has been sending persons abroad. Sukhdev Singh induced complainant to send him to Spain for a sum of Rs. 11 lakhs and further assured that he would take him to Spain within one year. The complainant sold his land measuring 5 Kanals to Smt. Manjit Kaur. The said money was given to applicant Baldev Singh at the instance of Sukhdev Singh. The sum of Rs. 5,50,000/- was paid to Sukhdev Singh and Baldev Singh but despite that the complainant was not sent abroad and the matter was postponed on one pretext or the other. About one year ago Sukhdev Singh came to India but did not return the money. The matter was brought to the notice of Sarpanch and other respectables.

Father of Sukhdev Singh and Baldev Singh were asked to come in Panchayat. They admitted in Panchayat that a sum of Rs. 5,50,000/- was due against them and they would return the same in few days. Said money was never returned. Rather they started threatening the complainant with dire consequences. Therefore, there are serious allegations of cheating against the applicant that he in connivance with his co-accused Sukhdev Singh took Rs. 5,50,000/-from complainant for sending him abroad and despite having received the abovesaid amount neither he was sent abroad nor returned his money. Recovery of that amount is yet to be effected. In the circumstances, I do not find any reason to admit the applicant/accused to anticipatory bail. The application in hand is, therefore, declined. File be consigned to the Record Room.

Pronounced in open Court:
Dated: 26.4.2019

(Muneesh Arora),
Additional Sessions Judge,
Ludhiana (UID No.0135).

Rajinder Pal,
Stenographer-I