

**IN THE COURT OF SH.GURMOHAN SINGH,
ADDITIONAL SESSIONS JUDGE,
JALANDHAR. (UID No.PB0573)**

Case Type	BA
CNR No.	PBJL01-014735-2018
BA No.	10944/2018
Date of Institution	06.10.2018
Date of order	16.10.2018

Parbhat @ Bobby aged 25 years son of Sh. Ashwani Kumar, resident of H.No.B-940, Ward No.15, Noormahal Road, Mohalla Ravidas Pura, Tehsil hillaur, Distt.Jalandhar.

...Accused/applicant.

Versus

State of Punjab

...Respondent.

**FIR No.254 dated 30.08.2018
Under Sections 406/420/120-B IPC
PS Phillaur, Jalandhar.**

First Bail application Under Section 439 Cr.P.C

Present: Sh. V.K. Sareen, counsel for the applicant/accused.
Sh. APS Dhillon, Ld. Addl. PP for the State

1. Present bail application is filed under **Section 439 Cr.P.C in FIR No.254 dated 30.08.2018 under Section 406/420/120-B IPC, PS Phillaur, Jalandhar** for regular bail.

2. The brief facts of the case are that present FIR has been lodged on the statement of Raj Rani w/o Karnail Singh. Complainant states that she has one son and daughter and her one son has already been expired. About 2 years back, his son Ravi Pal has went to Jordan but he could not got a good job or handsome salary there and also use to remain ill. Further, submits that with regard to the same, the tension has been arose in the family and accordingly, in November, 2017 she alongwith her daughter-in-law has went to accused Ashwani Kumar. Complainant states that he has came to know that Ashwani Kumar, his wife Pooja and his son Bobby are good Astrologer and they can

cure her problem. Accordingly, she met these persons. These, persons gave the assurance that everything will be alright and even they have good links with European countries including Jordan and they would definitely arrange a good job prospect for her son. Accused Ashwani Kumar told the complainant for providing him three gold rings in which he will put some stone and gave them back and all the problems of the complainant would be solved. The accused Ashwani Kumar further told the complainant that about ₹27,000/- would be expense on these rings and further demanded ₹4,00,000/- for sending the son of the complainant from Jordan to Italy. Complainant states that on the same day she arranged ₹1,00,000/- from her neighbor and handed over the same to Ashwani Kumar alongwith copy of passport. The said amount was handed over by Ashwani Kumar to his wife and she kept the same. Further, on 29.11.2017 on the demand of the accused Ashwani Kumar she again arranged ₹70,000/- from her brother and ₹30,000/- from herself and gave total amount to Ashwani Kumar which he handed over to his son then on 13.12.2017 ₹2,00,000/- more has been given on the demand of accused Ashwani Kumar. Further, submits that the accused persons has took ₹4,00,000/-, three rings weighing half tola each from complainant and thus, has duped her and has committed cheating. Thus, the FIR has been registered and the present bail application is filed.

3. Addl. PP for the State has put in appearance in pursuance of issuance of notice to State. Record has also been received.

4. Ld. Counsel for the applicant submits that the applicant/accused has been falsely implicated in the present case on the basis of the statement of the complainant Raj Rani. Further, submits that there is no specific attribution to the accused/applicant and the same has been implicated in the present case just

because of the fact that he is the son of alleged accused Ashwani Kumar. Further, submits that the complainant has concocted false story and has intentionally named the accused/applicant and his mother and father in the present case. Further, submits that accused/applicant was never present at the alleged time and has never received any amount from the complainant. Further, submits that the accused/applicant is behind the bars since 29.09.2018 and nothing is to be recovered from him. Thus, prays that the present bail application be allowed.

5. Ld. APP for the State submits that there is specific allegations against the present applicant being involve in cheating with the complainant. Further as per the complainant, the accused has committed the offence alongwith his father and mother and has duped the complainant. Further submits the accused/applicant does not deserve the concession of bail as recovery is yet to be effected.

6. After hearing Ld.APP for the State and ld. counsel for the applicant and perusal of the FIR it reflects that the allegations against the present applicant is with regard to the fact that on 29.11.2017, when the complainant has handed over ₹1,00,000/- to the accused Ashwani Kumar then he has given the same to the present accused/applicant i.e. his son. Further, it is the complainant's version that accused/applicant is involved with the other co-accused persons i.e. his father and mother. However, taken into consideration the fact that there is mere allegations that the accused/applicant has been handed over the alleged money by the co-accused i.e. his father Ashwani Kumar, and further the accused is behind the bars since 29.09.2018, thus, in these circumstances, this court is of the considered opinion that no useful purpose would be served by keeping the accused behind the bars, furthermore. Further, it is the matter of

trial to prove the allegations against the present applicant/accused being involved in the present case. Thus, bail application in hand stands allowed and the accused/applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with **one surety** of the like amount to the satisfaction of the Trial Court/Duty Magistrate. Present application be consigned to the record room, Jalandhar.

Pronounced in the open Court

Dated:16.10.2018

*Ritu Bhandari**

(Gurmohan Singh)
Addl.Sessions Judge,
Jalandhar.(UID No.PB0573)