

**IN THE COURT OF RAJIV KALRA (PB0098)
ADDITIONAL SESSIONS JUDGE, FARIDKOT**

BA/110/2022
PBFD01-000015-2022
Date of Institution: 27.01.2022
Date of Order: 01.02.2022

State Versus Harish son of Mamchand (claimed to be
wrongly mentioned as Manchand in the
FIR), resident of village Matakmaajri, (Part)
(24) Indri, Karnal, Haryana.

.... Applicant/accused

FIR No.94 dated 21.10.2021
under Section 420, 406, 120-B IPC
Police Station Sadiq (Faridkot)

FIRST APPLICATION FOR ANTICIPATORY BAIL

Present:

Shri Gurpreet Singh Khosa, Advocate, counsel for applicant-accused
Shri Yogesh Kasrija, Additional Public Prosecutor for State

ORDER

1. This is the first application of the applicant under Section 438 CrPC for grant of anticipatory bail in the aforementioned FIR.

2. The case was registered after a detailed inquiry was conducted by the Economic Offences Wing on the complaint of Gursewak Singh, wherein he alleged that the applicant and co-accused Kuldeep Singh Saini (non-applicant) cheated him to the tune of Rs.21.90 lakhs with false assurance to secure a PR visa of Canada for the complainant. As per the allegations of the complainant, he transferred various amounts in the bank account of co-accused Kuldeep Singh Saini apart from paying Rs.5 lakhs cash to Nisha Rani wife of Kuldeep Singh Saini from 29.03.2020 till 12.10.2020 and these amounts were paid by him on the asking of applicant Harish and his co-accused Kuldeep Singh Saini. The

complainant was called in Dubai in September 2020, where his fake working licence was got prepared by the accused.

3. The matter was inquired thoroughly and after a detailed inquiry, a formal case was registered against the applicant and his co-accused. Apprehending his arrest in this case, the applicant has now approached this court for grant of anticipatory bail.

4. Learned applicant counsel has argued that false allegations have been levelled against the applicant and otherwise, the applicant has never received even a single penny from the complainant and as per the allegations of the complainant, he deposited these amounts in the bank account of co-accused Kuldeep Singh Saini. It has been asserted that the applicant is ready to join the investigation and to assist the police to reach on any final conclusion.

5. Learned Additional Public Prosecutor for the State opposed the bail on the premise that the custodial interrogation of the applicant is requisite as specific allegations have been levelled against him for asking the complainant to pay substantial amount to them.

6. As per the allegations of the complainant, the applicant as well as co-accused Kuldeep Singh Saini made a false promise to him for securing a PR visa for him on payment of Rs.28 lakhs and out of such settled amount, a substantial money has been paid by the complainant on the asking of applicant as well as co-accused Kuldeep Singh. There are further allegations of complainant against the applicant that the applicant refused to honour their promise and also refused to return the amounts so received from the complainant. Keeping in view the gravity and nature of

crime committed apart from serious nature of allegations levelled against the applicant and his co-accused, this court does not deem it a fit case to extend benefit of anticipatory bail to the applicant. Otherwise, the custodial interrogation of applicant appears to be requisite and on this ground as well, the applicant is not entitled for grant of anticipatory bail.

7. Consequently, the bail application is dismissed. Nothing said hereunder this order shall be construed as final expressions over the merits of the case.

8. Copy of this order be sent separately to learned Illaqa Magistrate and concerned police station for information.

9. Records of this court be consigned.

PRONOUNCED IN OPEN COURT ON 01 FEBRUARY 2022

Rajiv Kalra (PB0098)
Additional Sessions Judge, Faridkot

Typed by Parul Kumar
Stenographer Gr-II