

**IN THE COURT OF PARMINDER SINGH GREWAL,
ADDITIONAL SESSIONS JUDGE (UID NO.PB0438),
JALANDHAR.**

CIS No.	BA/1040/2019
CNR	PBJL01-009604-2019
DATE OF INSTITUTION	13.03.2019
DATE OF DECISION	26.03.2019

1. Sameer Bajaj son of Jai Kishan Bajaj, resident of House No.165/B, Himat Singh Nagar, Dugri, Ludhiana
.....Accused/applicant

Versus

State of Punjab.

.....Respondent

FIR No.116 dated 11.09.2017
U/sections 406, 420, 506, 120-B of Indian Penal Code
P.S. Division No.6,

First bail application under Section 438 Cr.P.C.

Present: Sh. Gopal Thakur Advocate for the petitioner.
Sh. Gurpreet Singh Addl. PP for the State

1. This order of this court shall dispose of present bail petition filed by the petitioner Sameer Bajaj under Section 438 of Cr.P.C. for releasing him on anticipatory bail in the event of his arrest, in case FIR No.116 dated 11.09.2017 under Sections 406, 420, 506, 120-B of Indian Penal Code, P.S. Division No.6,

2. Learned counsel for the petitioner has argued that the present petitioner has been falsely implicated in the present FIR. He has further argued that the complainant has not disclosed all the facts before the police.

He has further argued that the as per the version of complainant in the FIR, there was some stock of the mobile phones, which had been handed over to the complainant and the stock was faulty. Then, as per law, complainant was to move to Civil Court, but instead of that he moved to police because he is a influential person and has links with the police and got this false FIR registered against him due to get more benefit from the applicant/accused being Director of the company. He has further argued that the present petitioner was merely an employee of the M/s Ringing Bells Private Limited and he has not acted in his personal capacity. He has further argued that the present petitioner has not received even a single penny from the complainant or any other person. He has thus, prayed that the present bail petition may kindly be allowed.

3. On the other hand, learned APP for the State has argued that the present petitioner is one of the main accused who has committed the cheating with the complainant to the tune of Rs.72 lacs by promising to C & F Agency of the mobile company M/s Ringing Bells Private Limited. He has further argued that the present petitioner has also played an active role in the aforesaid cheating committed by him and his other co-accused with the complainant. He has prayed for dismissal of the present bail petition.

4. This court has heard the learned counsel for both the parties and perused the record carefully with their able assistance.

5. This court is of the considered view that as per the allegations levelled against the present petitioner and others in the present FIR, the present case has been got registered on the basis of complaint moved by

complainant-Sanjeev Kumar before Commissioner of Police, Jalandhar, wherein, he has stated that he is the Proprietor of Raghav Enterprises and his firm deals with the business of mobiles. M/s Ring Ring Bells Pvt. Ltd., deals with manufacturing and selling the mobiles as well as its accessories. The petitioner Sameer Bajaj, who had been working as North Head of company M/s Ring Ring Bells Pvt. Ltd., introduced him with the office bearers of company, who allured him to deposit Rs.11 lacs as security for getting the C&F of Punjab region and further Rs.11 lacs as security for getting the C&F of Haryana region and other Rs.40 lacs for appointing him Hub of Punjab and further assured him to give commission of 2% for the sale of 1.75 Crore in Punjab region and 2% commission being C&F on the sale of 1 Crore and further 2% commission on the sale of 1.75 Crore being Punjab Hub. Then, on the allurements given by the accused, he deposited Rs.62,62,000/- in different banks on the directions given by the accused. But thereafter, they neither supplied him the articles nor gave him any commission. He contacted the accused several times, but every time they assured him to supply the articles shortly. He further stated that even the articles supplied to him were of inferior quality and same were not salable in the market. He again contacted CEO Dharna Goel, Directors Mohit Goel (present applicant), Anmol Goel, Sumit Kumar and Manager Rai Bhatia and all of them gave him assurance to take back the faulty articles, but they did not do so. Even, the cheque of Rs.34 lacs issued by the accused in his favour was dishonoured on presentation in the bank. In last, prayer was made to take action against the accused. On this complaint, inquiry was marked to DCP(Investigation) and thereafter, the present FIR was registered. Thus,

this court is of the considered view that custodial interrogation of the presente petitioner is very much required to ascertain the mode and manner of the alleged commission of the alleged offence and for recovery of the aforesaid amount of Rs.72 lacs received by way of cheating by him and his other co-accused from the complainant.

6. In view of the reasons discussed herein before, the present bail petition filed by the present petitioner under Section 438 Cr.P.C. for releasing him on anticipatory bail, is hereby dismissed, as same is without any merit. File be consigned to the Record Room.

Pronounced in open Court.
26.03.2019
Som Nath *

(Parminder Singh Grewal),
Additional Sessions Judge,
Jalandhar (UID NO.PB0438).