

**In the Court of Sh. Jaspal Verma,
Additional Sessions Judge, Kapurthala(Duty)
(UID No.PB0136)**

CNR No.PBKP010036662020



Case No. BA/1814/2020

Presented on : 10-09-2020

Registered on : 11-09-2020

Decided on : 01-10-2020

FIR No.143 dated 17.06.2020
Under Section 420/406 IPC
Police Station Sadar Kapurthala, District Kapurthala.

State	Versus	Gursharanjit Singh aged 29 years son of Balwinder Singh, resident of Village Jainpur, Sultanpur Lodhi, District Kapurthala.
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.....Accused/applicant.

Bail application under Section 439 CrPC.

Present: Sh. Rajiv Puri, Advocate, for applicant/accused through video conference.
Sh. Shalinder Gill, Addl. PP for the State through video conference.

ORDER

1) Heard on the application for regular bail moved by the applicant-accused Gursharanjit Singh son of Balwinder Singh claiming that he is innocent and has not committed any alleged offence. He has been made a scapegoat by the complainant in the present case although he has nothing to do with the commission of crime. No offence under Sections 420/406 IPC is made out against the applicant-accused. The story and allegations put forth by the complainant in the present FIR are false and self created. He is in

judicial custody since 2.07.2020 and is no more required for further investigation and interrogation. The applicant is ready to furnish bail bonds to the satisfaction of the court. The challan has been presented but trial of the case is likely to take considerable time and therefore, no useful purpose will be served by keeping him in judicial custody for long period. So, he be released on bail.

2) Notice of the bail application was given to Ld. Addl. PP for the State who appeared through video conference and contested the bail application on the ground that allegations against the applicant-accused are very serious in nature. He has committed offence punishable under section 420/406 IPC which is very grievous in nature. So, keeping in view the gravity of the offences and seriousness of the matter, applicant-accused is not entitled for regular bail. So, bail application be dismissed.

3) I have heard learned counsel for the applicant-accused, learned Addl. PP for the State through video conference and have gone through the case file.

4) The present FIR has been registered on the basis of the application filed by the complainant Avtar Singh son of Teja Singh against the accused Gursharanjit Singh son of Balwinder Singh, resident of village Jainpur, PS Sultanpur Lodhi, District Kapurthala, to the effect that the accused Gursharanjit Singh has committed cheating with him worth Rs.25,50,000/- and has also taken into illegal possession his Swift car bearing registration No.PB-09-AH-4767 and scooter Bajaj Chetak bearing registration No.PB-09-A-

2811. It is averred in the application that the complainant is Ex-Sarpanch of village Kot Karar Khan, who is having his Sheller in village Kot Karar Khan. Karanbir Singh is his son who was friend of accused Gursharanjit Singh son of Balwinder Singh and therefore was known to him. He told them that he is working in Dubai as export business and since he is having rice business. The said rice can be supplied by him to Dubai and South Africa and therefore the business can be increased. He also disclosed about his good relations with businessman in Dubai and South Africa and that he often used to visit Dubai 2/3 times in a month. On the instigation of accused, he agreed to send his rice to foreign country, so that his business can be increased. The accused has also told him that profit worth rupees crores can be earned in this manner. The accused told him that he has to pay Rs.30 lacs to start his business in Dubai and therefore in the month of November 2018 in the last week, the accused Gursharanjit Singh came to his house and informed them that he has talked with the business house at Dubai to start the business. He asked him to pay Rs.7,50,000/- and at his instigation, he paid Rs.7,50,000/- to the accused in the presence of the witnesses Kulwant Singh and Gurpreet Singh, both residents of village Kot Karar Khan, District Kapurthala. The accused assured him that the business will be started in Dubai and he should arrange for the balance amount. Thereafter in April 2019 in the second week, the accused called him on phone and demanded Rs.6,50,000/-. On his demand, he sold the gold ornaments lying in the house and paid Rs.6,50,000/- to the accused in April

2019 in the second week in the presence of the aforesaid witnesses. The accused came to their house to take said amount and was inconstant touch with him. He used to tell him that the matter has been discussed with company in Dubai and the work will start soon. Thereafter the accused came to him and told that he require a vehicle and took his Bajaj Chetak bearing registration No.PB-09-A-2811 for its use with him for few days and in December 2019, the accused came to his house and told that the licence for starting the business in Dubai has been prepared and to get the said licence, he has to pay Rs.11,50,000/- to the Dubai firm. On this, he took Rs.11,50,000/- from Avtar Singh on loan and gave the same to the accused in the presence of the aforesaid witnesses. The accused assured him that the licence will be received in few days to start the business in Dubai and thereafter the profits worth rupees crores can be earned. Thereafter in January 2020, the accused came to his house and told him that he require his car for personal use for few days and believing the accused, he gave him his Swift car bearing registration No.PB-09-AH-4767. The documents of the other Audi car of his son were already lying with the accused and he assured to return the said documents alongwith scooter and Swift car backed to him within few days. The accused kept on dilly-delaying the matter and when a considerable time lapsed, he became suspicious and tried to contact the accused. The accused thereafter started making false excuses and even stopped picking up his phones. He came to know that the accused has handed over the Swift car to somebody else after taking

loan from him. On 03.05.2020, the accused met his son Karanbir Singh in Kapurthala and told him the he has to get back Rs.20 lacs sent to Dubai. So his son Karanbir Singh alongwith his friend Rajvir Singh and accused Gursharanjit Singh and his friend Gajji went to Mohali but they could not get the amount and in late night, they came back to Anandpur Sahib for their stay. Gursharanjit Singh went away from Sri Anandpur Sahib when they were sleeping there. So, accused Gursharanjit Singh has cheated him for an amount of Rs.25,50,000/- with the assurance to start their business in Dubai and also taken away their Swift car, scooter and documents of their Audi car illegally and unlawfully. The said application was received in the office of SSP, Kapurthala and inquiry was marked to Superintendent of Police to take necessary action as per law. The application was enquired into by SP, Kapurthala and found that prima-facie accused has committed offence under Sections 420/406 IPC as he has cheated the complainant for an amount of Rs.25,50,000/- and has also illegally taken away his Swift car and scooter. On the basis of the inquiry report made by SP, Kapurthala, the present FIR was registered against the accused for the offence under Sections 420/406 IPC.

5) The present bail application has been filed by applicant-accused Gursharanjit Singh under the provisions of section 439 Cr.P.C to release him on regular bail in this case bearing FIR No.143 dated 17.06.2020, under Sections 420/406 IPC registered against him in P.S. Sadar, Kapurthala on the ground that he is in judicial custody

since 2.07.2020 and no recovery is to be effected from his possession. He has not committed any offence. Challan has been presented but the conclusion of the trial will take long time. So, he be released on bail. On the other hand, learned Addl. PP for State has argued that offences committed by the applicant-accused are serious in nature. As per allegations made in the FIR by the complainant, the applicant-accused Gursharanjit Singh has cheated the complainant for an amount of Rs.25,50,000/- and has also illegally taken away his Swift car and scooter. So, perusal of the allegations as raised in the FIR against the accused who has been specifically named in the FIR are very grievous in nature and at this stage it cannot be said that accused has been falsely implicated in this present case. In case, he is given benefit of bail there is every likelihood that he will flee away from the process of law. So, keeping in view the gravity of the offence, the applicant-accused is not entitled to get bail. So, without commenting on the merits of the case in any manner, bail application filed by applicant-accused Gursharanjit Singh is ordered to be dismissed. Court file be returned. Bail application be consigned to the record room.

**Pronounced in open Court
Dt.01.10.2020
(Arun)**

**(Jaspal Verma),
Additional Sessions Judge,
Kapurthala (UID No.PB0136)**

Gursharanjit Singh Vs. State

CNR No.PBKP010036662020

Bail application No.1814 of 11.09.20920

Present: Sh. Rajiv Puri, Advocate, for applicant/accused through video conference.
Sh. Shalinder Gill, Addl. PP for the State through video conference.

Arguments heard on the bail application. Vide my separate and detailed order of even date, the bail application filed by applicant-accused Gursharanjit Singh has been dismissed. Court file be returned. Bail application file be consigned to Judicial Record Room.

Pronounced in open Court
Dt.01.10.2020
(Arun)

(Jaspal Verma),
Additional Sessions Judge,
Kapurthala (UID No.PB0136)