

**IN THE COURT OF SH.PREM KUMAR,ADDL. SESSIONS
JUDGE, GURDASPUR(UID No.PB0451)**

**Bail Application No. 19/2018
Date of Instn. : 19/01/2018
Filing No. BA/181/2018
CNR No. PBGD01-000416-2018
Date of order : 30/01/2018**

Baljinder Singh son of Kashmir Singh, resident of House No.96,
Village Dhanoia Khurd, Amritsar Rural, Tehsil and District Amritsar.

...Applicant/accused

Vs.

State of Punjab

...Respondent.

.

FIR No.38 Dated 09/09/2017
U/S 420 IPC
Police Station Ghanie Ke Bangar

Ist Bail application U/s 438 Cr.P.C.

Present: Sh.H.S.Lakhanpal, Advocate for applicant.
Sh.Kiran Kumar, Addl.P.P for State.

ORDER:

1. This order of mine shall dispose of bail application moved under Section 438 Cr.P.C. by applicant-accused Baljinder Singh in the above mentioned FIR.
2. Upon notice of this bail application, learned Addl.P.P for State appeared on behalf of State and opposed the bail application. Police record was also summoned.
3. The allegations against the applicant/accused are that he obtained Rs.6 Lacs from complainant Surjit Singh to send Balwinder Singh son of complainant to Australia but he send Balwinder Singh to Malaysia and did not send him Australia. The

son of complainant came back with great efforts and when complainant demanded his money back he returned only Rs.65,000/- and did not repay the amount of Rs.5,35,000/-.

4. Ld.counsel for applicant/accused has argued that the applicant/accused has been falsely implicated in this case. He contended that no alleged amount was ever taken by the accused. He argued that no offence has been committed by applicant/accused and prayed that he be anticipatory bail.

5. On the other hand, learned Addl.P.P for State opposed the bail application on the ground of gravity of offence.

6. Heard.

Record perused. As per the allegations, the applicant/accused obtained Rs.6 Lacs from complainant Surjit Singh to send Balwinder Singh son of complainant to Australia but he send Balwinder Singh to Malaysia and did not send him Australia. The son of complainant came back with great efforts and when complainant demanded his money back he returned only Rs.65,000/- and did not repay the amount of Rs.5,35,000/-. As per record the accused also entered into an agreement to pay the entire amount to complainant, but despite availing long period, he did not returned the amount to complainant. The allegations against the applicant/accused are serious in nature. A huge amount of Rs.5,35,000/- is involved in the present case which is still to be recovered from applicant/accused. As such, custodial interrogation of applicant/accused is required. Therefore, I find that it is not a fit case where the applicant/accused Baljinder Singh should be granted concession of anticipatory bail.

Hence, without commenting on the merits of this case, the present bail application filed by applicant/accused Baljinder Singh is dismissed. Anything said or observed in this order shall have no bearing effect on merits of the case. File be consigned to record room.

Pronounced in open Court:

Dt: 30/01/2018

Rajiv Sharma,
Stenographer-I

(Prem Kumar)

Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)

BA/181/2018

Baljinder Singh Vs State

Present: Sh.H.S.Lakhanpal, Advocate for applicant.
Sh.Kiran Kumar, Addl.P.P for State.

Record produced. Arguments on bail application heard.

Vide my separate order of even date present bail application has been
dismissed. File be consigned to record room.

Pronounced in open Court:

Dt: 30/01/2018

Rajiv Sharma,
Stenographer-I

(Prem Kumar)

Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)