

Present: Shri Gagandeep Singh Rajput, Advocate counsel for applicants/accused.
Shri Pushvinder Singh, Additional Public Prosecutor for State assisted by Shri G.S.Chatha Adv., counsel for the complainant.

ORDER:

1. Arguments on bail application filed by applicant/accused Darshan Kumar Khurmi under Section 438 of Code of Criminal Procedure for releasing him on anticipatory bail in this case bearing FIR No. 213 dated 04.06.2020, under Sections 420/120-B Indian Penal Code, Police Station Sadar Dhuri, heard. Police Record produced and perused.
2. Learned counsel for the applicant/accused has argued that applicant/accused has been falsely implicated in this case. He has neither cheated the complainant Jagsir Singh or his wife Rajinder Kaur nor he has dishonestly induced them to deliver gold ornaments to him on the pretext of the safe custody of the said gold ornaments. He has further submitted that the gold ornaments were allegedly given to Gurdev Kaur by the wife of complainant and the gold ornaments were returned to the wife of complainant by Gurdev Kaur as per the allegations in the FIR. He has also submitted that no gold ornament was ever sold to him by Gurdev Kaur. No proof regarding possessing of 08 tollas gold ornaments by the wife of complainant has been produced by the complainant before the

Investigating officer. Applicant/accused is ready to join the investigation. Nothing is required to be recovered from the possession of applicant/accused. Therefore, it is prayed that applicant/accused may kindly be released on anticipatory bail.

3. On the other hand learned Additional Public Prosecutor assisted by counsel for the complainant has argued with stress that gold ornaments weighing 08 tola received from the wife of complainant by Gurdev Kaur by way of dishonest inducement as sold by Gurdev Kaur to Darshan Kumar applicant/accused and the fake gold ornaments were returned to the wife of complainant by Gurdev Kaur. Applicant/accused connived with Gurdev Kaur to commit the offence of cheating and as such his custodial interrogation is required for proper investigation of the case. Therefore, it is prayed that pre-arrest bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, Gurdev Kaur and her son Kuldeep Singh obtained gold ornaments weighing about 08 tola from the wife of complainant by way of dishonest inducement about a year ago and after six months Gurdev Kaur returned the gold ornaments to his wife which was kept by her in her custody without checking the same and when they checked the said ornaments about a week ago they came to know that the said ornaments are not of gold metal and the said ornaments do not belong to them. It is also alleged that when the wife of

complainant went to the house of Gurdev Kaur due to altercation with complainant, Gurdev Kaur told him that she has sold the ornaments to Darshan Pardhan resident of Dhuri. Thus, as per the allegations of the complainant in the FIR, the ornaments were allegedly sold by Gurdev Kaur to Darshan Pardhan r/o Dhuri. The gold ornaments were never handed over to applicant/accused Darshan Kumar by the wife of complainant at any time and the alleged fake gold ornaments were not returned by Darshan Kumar to the wife of complainant. Applicant/accused was implicated in this case on the alleged disclosure statement suffered by Gurdev Kaur before the wife of complainant. The recording of pen-drive regarding sale of gold ear-rings by Gurdev Kaur to Darshan Kumar Gold Smith, Dhuri are yet to be proved and since no proof regarding design and weight of particular gold ornament allegedly obtained by Gurdev Kaur from the wife of complainant has been disclosed by the complainant either in the FIR or in the statement recorded under Section 161 Cr.P.C., therefore, the fact that the gold ear-rings allegedly sold by Gurdev Kaur to Darshan Kumar was belonging to wife of complainant or not, is debatable one. Hence, without going into the merits of the case, I am of the view that it is a fit case where concession of pre-arrest bail can be given to the applicant/accused. As such, applicant/accused is directed to join the investigation within 05 days from today and in case of his appearance before the investigating officer

to join the investigation in this case, the investigating officer shall release him on interim bail to his satisfaction subject to the following conditions:-

- a) applicant/accused shall make himself available for interrogation by a police officer as and when required;
- (b) applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (c) applicant/accused shall not leave the country without prior permission of the Court.

5. A copy of this order be sent to the SHO, Police Station Sadar Dhuri. Police file be returned. Now to come up on 25.06.2020 for awaiting report of Investigating Officer regarding joining of investigation by the applicant/accused and arguments on bail application.

Announced:

Dated:-18.06.2020.

(Sham Lal),
Additional Sessions Judge,
Sangrur.(D)
UID Number : PB0123.