

**IN THE COURT OF JAAPINDER SINGH ADDITIONAL SESSIONS
JUDGE, FAZILKA. (UID NO.PB0235)**

Case Details	
Case Type	BA
Regn. No.	BA-1710-2023
CNR No.	PBFZC000-4424-2023
Date of order	16.08.2023.

Arvinderpal Singh @ Arvinder Singh, aged about 31 years son of Gurmeet Singh resident of village Chak Balochan(Mahalam), PS Vairoke, Tehsil Jalalabad, District Fazilka.

...Applicant.

Versus

State of Punjab

...Respondent.

FIR No.123 dated 08.07.2023
U/s. 420/120-B IPC
Police Station City Jalalabad.

Bail application Under Section 439 Cr.PC.

Present: Shri Sanjeev Kamboj, Advocate counsel for applicant.
Shri Gurbaaj Singh, Additional PP for the State.

ORDER:

1. Present application filed on behalf of applicant-accused Arvinderpal Singh @ Arvinder Singh, seeking regular bail in the matter, details of which have been referred above, shall be disposed of through this order.
2. Learned Additional Public Prosecutor has appeared on behalf of the state today upon notice in the application, but he has not sought to file any written reply to the application and has opposed/contested the same orally. Record of the matter has been produced by HC Satpal Singh, No. 1170/FZK, PS City Jalalabad.
3. Arguments of learned counsel for the applicant-accused and of learned Additional PP for the state have been heard in the matter and record of the matter has been perused.

4. The facts of the matter, as per contents of the FIR and other documents/papers, are that complainants Iqbal Chand and Kala Ram moved an application against applicant-accused Arvinderpal Singh @ Arvinder Singh alleging that accused had obtained Rs.8,00,000/- each from them on the representation that applicant-accused would secure employment for the sons of complainants as patwari in the revenue department, but he failed to secure the same and did not return the amount of Rs.16,00,000/- received from two complainants. FIR in the matter was lodged after inquiry upon complaint.

5. It follows from a careful appreciation of rival contentions of learned counsel for the applicant-accused as well as learned APP for the state that perusal of the details of the inquiry stated to have been conducted in the matter, reveals that amongst the documents stated to have been furnished on behalf of the complainant party, an affidavit sworn by applicant-accused Arvinderpal Singh @ Arvinder Singh was also furnished. It is argued by learned counsel for the applicant-accused that as per recitals said affidavit dated 03.11.2022, copy of which is also attached in the police file, it is stated that accused knew Smt. Darshan Kaur who was working in the office of BDPO, Jalalabad and accused had borrowed Rs.16,00,000/- from complainant Iqbal Chand who was relative of said Darshan Kaur and from Kala Ram, for his personal necessity. It is mentioned in the affidavit that said amount was borrowed by him in August, 2021 with promise to return the same within a year, but he could not return and the complainant party moved application dated 03.11.2022 before DSP Jalalabad. As per the affidavit, accused undertook to return the amount within 60 days, failing which, he would be liable for legal consequences. It is argued on behalf of applicant-accused that it is mentioned in the proceedings of the matter that complainant Iqbal Chand was owner of a brick kiln and thus it was very improbable that he would be desirous of getting his son employed as patwari. It is argued that complainant Iqbal Chand could also not to be expected to believe the alleged representation of the accused, who was himself working as a contractual employee, that he could arrange employment of patwari in the

revenue department. It is argued that dispute was civil in nature and that accused had even issued two cheques for total amount of Rs.16,00,000/- for repayment to the complainant party and said cheques were dishonored and instead of taking of proper legal recourse, present proceedings were initiated which were misconceived.

6. On the other hand, learned Additional PP for the state argued that cheating of heavy amount was committed by applicant-accused and if released on bail, there were chances of his absconding from the process of law.

7. It is to be noted that accused is in custody since his arrest in the matter on 24.07.2023. Vital initial investigations have already been conducted. It could not be stated that there was any further necessity of his custody, custodial interrogation or of effecting of any recovery. Resolution of the question as to whether there was any criminal liability of the applicant-accused or the matter was civil in nature, would consume considerable time as merits could be commented upon only after leading of evidence in the matter.

8. In considered opinion of this court, no purpose is to be served by further continued detention of the applicant-accused. No previous FIR is stated to be registered against the applicant-accused and his release on bail can be subjected to appropriate conditions to ensure that his absconding from the process of law would entail heavy consequences. Accordingly, applicant-accused Arvinderpal Singh @ Arvinder Singh is ordered to be released on bail on furnishing of bail bonds by him in sum of Rs.1,00,000/- with two sureties in like amount each, to the satisfaction of learned Illaqa/Duty Magistrate/Trial Court, subject to the following conditions:-

1. That the applicant shall attend the court on every date of hearing.
2. That the applicant shall not commit an offence similar to the offence of which he is accused.
3. That the applicant 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 from disclosing such facts to the court or to any police officer and shall not temper with the evidence in the matter.

4. That the applicant shall no leave the country without prior permission of the court.

Papers of the application be attached with the remand papers.

Pronounced in open Court.
Dated:16.08.2023.
Jasvir Steno

(Jaapinder Singh),
Additional Sessions Judge,
Fazilka : UID no.PB0235