

IN THE COURT OF DR RAM KUMAR SINGLA,
UID NO. PB-0122,
ADDITIONAL SESSIONS JUDGE,
GURDASPUR.

Bail Application No.248 of 2018

Date of Institution :07.06.2018

CIS No. BA-1477-2018

CNR No. PBGD01-004055-2018

Date of Decision: 06.07.2018

Deepak Jarial son of Mast Ram, aged about 32 years, resident of H. No.
23, Gali No. 1, Mohkampura, Batala Raod, Amritsar.

.....Applicant/ Accused.

Versus

State of Punjab.

.....Respondent.

FIR No.40 of 2018

U/S 420 of the Indian Penal Code.

Police Station: Shri Hargobindpur, Gurdaspur.

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

Present: Sh. G.S. Bhullar and Ms. Balwinder Kaur, Advocate, for the
accused-applicant.

Sh. Vikram Kashyap, Additional Public Prosecutor for the State.

ORDER

Police record has been received and perused. Arguments have been heard on anticipatory bail of above referred **applicant/accused Deepak Jarial** in the aforesaid FIR No. 40 of 2018 for the aforesaid offence punishable under Section 420 of the Indian Penal Code, P.S. Shri Hargobindpur, Gurdaspur.

2. Briefly, the allegations necessary to be detailed herein for disposal of the present anticipatory bail application of the accused/applicant Deepak Jarial are that the present case was registered as per the complaint made by Harpal Singh (hereinafter called complainant) and further enquiry proceedings thereto that to send him abroad the traveling agents i.e. present accused-applicant Deepak Jarial along-with Ranjit Singh @ Rana and Rakhi daughter of Bhagwan Singh cheated the complainant for a sum of Rs. 1,20,000/-. That amount was found transferred in their account especially major amount in the account of present accused-applicant i.e. Rs. 90,000/-. The said agents failed to fulfill their promise as made by them with the complainant to send him abroad and they also failed to return that sum. The said allegations led to registration of present FIR for the offence punishable under sections 420 of the Indian Penal Code against Deepak Jarial, Ranjit Singh and Rakhi. Being aggrieved from that, the applicant/accused Deepak Jarial has sought his anticipatory bail.

3. The learned counsel for the accused/applicant has argued that, all the allegations are false and frivolous and are without any basis

as alleged. In fact, it is a result of their money transaction of transfer that amount in his account and others. He has been falsely implicated. He is ready to join the investigation proceedings. His custodial interrogation is not warranted in any manner as the requisite enquiry has already been conducted. Therefore, he is entitled to the concession of anticipatory bail to him.

4. On the other hand, learned Additional PP for the State has argued that there are specific allegations against the accused/applicant and his associates that how they got transferred that amount of the complainant in their bank account. All that allegations are having the basis of documentary evidence i.e. getting the transfer of said amount in their accounts.

5. **Having heard to their rival contentions** and have gone through the file and in reference to the above detailed facts and circumstances on record, the act and conduct of the accused is leading the fact that he has committed white collar crime to that economic offence in connivance with his associates. It is an act of human trafficking. Therefore, he is not deserving the concession of anticipatory bail to him, as it is a matter of record for transfer of that sum at least of Rs. 90,000/- in the account of accused-applicant from the complainant's side for that purpose. All that allegations are warranting his custodial interrogation to bring the truth on surface as that to such allegations custodial interrogation has found more fruitful than that of protective investigation. Therefore, without commenting on the merits of the case, the present

anticipatory bail application of the accused/ applicant is hereby declined.

Police record be returned. Bail file be consigned to the record room.

Pronounced in open court.
Dated: 06.07.2018.

Priya Phtuella Stenographer Gr.1

(Dr Ram Kumar Singla),
UID No. PB-0122,
Additional Sessions Judge,
Gurdaspur.