

Harpreet Singh Vs. Harpreet Singh

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Court : Punjab and Haryana

Decided On : May-06-2013

Appellant : Harpreet Singh

Respondent : Harpreet Singh

Judgement :

Crl.M.not M-11656 of 2013(O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M.not M-11656 of 2013(O&M) Date of Decision: May 6, 2013 Harpreet SinghPetitioner v.

State of PunjabRespondent CORAM: HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.Rajesh Rai, Advocate Mr.Varun Singla, Advocate, and Mr.Babbar Bhan, Advocate for the petitioner....RAM CHAND GUPTA, J.(Oral) Crl.M.No.21001 of 2013 Application is allowed subject to all just exceptions.

Crl.M.not M-11656 of 2013 The present petition filed under Section 438 Cr.P.C.is for grant of anticipatory bail to the petitioner in case FIR No.118, dated 10.12.2012, under Section 420 IPC, registered at Police Station Dugri, District Ludhiana.

I have heard learned counsel for the petitioner and have gone through the whole record carefully, including the impugned order passed by learned Additional Sessions Judge (D).Ludhiana, vide which application filed on behalf of the present

petitioner for anticipatory bail was dismissed.

Brief allegations against petitioner-accused are that he is proprietor of M/s My India Naukri.com.

He was maintaining two accounts in the banks.

He had given advertisement for providing jobs to unemployed youths.

As per version given by complainant Amir Ibrahim s/o Ibrahim Khan, he had deposited `1800/- in the account of petitioner-accused in the month of April 2012, after receiving E-mail from M/s My India Naukri.Co.that they were searching jobs for him and that he was asked to deposit a sum of `1800/- as registration fee in the account being maintained in HDFC Crl.M.not M-11656 of 2013(O&M) -2- Bank Dugri, Ludhiana, Punjab.

The said amount was deposited by him and, however, he was again asked to deposit `15,000/-.

He used to talk to present petitioner on telephone.

When he had shown his inability to deposit `15,000/- petitioner told him to deposit at least a sum of `10,000/- and hence, he deposited `10,000/- in the account of petitioner by way of two cheques for `5000/- each.

He again received mobile call from petitioner- accused informing him that he had already deposited `11,800/- and he further told him that in future he should not deposit by way of cheques and that he should deposit the remaining amount in cash.

Hence, as per directions he deposited `5,000/- more on 31.5.2012 in his account bearing No.18312560000221 in HDFC Bank Dungri, Ludhiana, and obtained a receipt from the bank.

Petitioner raised further demand of `12,000/- from him in the month of September 2012 and when he had shown his inability to pay the remaining amount he told him that he would get job at far away place from his house and he called upon him

to deposit a sum of `6000/- in cash in his another account No.32375179299 of State Bank of India, Dugri, Ludhiana.

Accordingly, he deposited the said amount in the said account and obtained a receipt from State Bank of India, (Central Mumbai).He has produced all the receipts for making deposits in the account of M/s My India Naukri.

com., proprietor of which is petitioner-accused.

However, despite receiving `22,800/- no job was provided to him by petitioner-accused.

He also stated that in the similar manner petitioner has cheated so many persons.

The matter was duly enquired into and it came during enquiry that in one of the accounts `1800/- were deposited by different persons 43 times and in another account `1800/- were deposited by different persons for 146 times despite other deposits.

This is second application for anticipatory bail filed on behalf of the petitioner-accused.

His earlier bail application was dismissed on merit vide order dated 9.1.2013 passed in CrI.M.not M-351 of 2013.

It has been contended by learned counsel for the petitioner- accused that after dismissal of his earlier bail application, he had settled the dispute with complainant Amir Ibrahim, who had suffered affidavit, Annexure P4 that he had already received `22,800/-.

It is further contended CrI.M.not M-11656 of 2013(O&M) -3- that no other person had come forward to make complaint against petitioner- accused since dismissal of his last bail application.

Be that as it may, there are serious allegations against petitioner-accused.

He was admittedly having a website, namely, M/s My India Naukri.com.

He had opened two accounts in the bank.

He used to receive money from different persons in the said accounts.

The money was being received for providing jobs to different persons.

Hence, merely on the ground that he had won over the complainant by paying `22,800/- to him, it cannot be said that he is entitled for concession of anticipatory bail.

It is a matter of further investigation as to how many other persons were cheated by him in the manner the present complainant was cheated, whose money has allegedly been returned by the petitioner.

His custodial interrogation is necessary.

Reliance is placed upon State represented by the CBI v.

Anil Sharma, 1997 AIR (SC) 3806, wherein it has been held as under: We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code.

In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed.

Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated.

Very often interrogation in such a condition would reduce to a mere ritual.

The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases.

The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

Crl.M.not M-11656 of 2013(O&M) -4- Hence, in view of these facts, and without expressing any opinion on the merits of the case, the present petition filed by petitioner- Harpreet Singh for grant of anticipatory bail is, hereby, dismissed being devoid of any merit.

6.5.2013 (Ram Chand Gupta) meenu Judge

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