

**Crl. Misc. No. M-2557 of 2011**

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH.**

Crl. Misc. No. M-2557 of 2011 (O&M)  
Date of decision : 28.2.2011

Sumit Jain

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. C.L. Verma, Advocate for the petitioner.  
Mr. Shailesh Gupta, Deputy Advocate General, Punjab.

**Rajan Gupta, J. (oral)**

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 465, 468, 471, 406, 120-B IPC at Police Station Division No.3, Jalandhar, vide FIR No.45 dated 18<sup>th</sup> April, 2010.

Learned counsel for the petitioner submits that there is no evidence with the investigating agency to connect the petitioner with the commission of crime. He submits that possibility of his false implication cannot be ruled out. He, thus, submits that the petitioner is entitled to the concession of pre-arrest bail.

Learned State counsel has, however, opposed the prayer for bail. He submits that petitioner took Rs.5.00 lacs from the complainant when he promised to send him to Canada. However, neither the complainant was sent to Canada nor the money was returned. He submits that custodial interrogation of the petitioner is required.

Heard.

The FIR was lodged by one Vinod Sehgal, who stated that Sumit Jain (petitioner herein) and his father took an amount of Rs.5.00 lacs from him on the pretext of sending him abroad. Out of this, Rs.2.00 lacs was handed over to him in March, 2008 and the remaining amount was handed over in July, 2008. A visa was also handed over to the complainant, which later turned out to be fake. The complainant demanded the money back but the accused refused to refund the same. The petitioner is also stated to be involved in another cases of similar nature.

In view of the nature of allegations contained in the FIR, I am of the considered view that no case for grant of pre-arrest bail is made out. The petition is devoid of merit and is hereby dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

28.2.2011  
'rajpal'