

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(204)

CRM-M-20564-2015

Decided on: October 05, 2015.

Shankar Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Naveen Sharma, Advocate, for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

On the instructions of HC Satnam Singh, it has been informed that the petitioner has joined investigation but custodial interrogation is required to recovery money.

Briefly stated the case of the prosecution on the basis of material forming part of report under Section 173 (2) Cr.P.C is that the petitioner had promised the complainant and his friend Rakesh Kumar to send them abroad on work visa. They were sent to Malaysia where they were harassed. Thereafter, the complainant came back and demanded his money back.

It appears to be a case of prima facie liability which is a combination of civil and criminal liability. Petitioner having joined investigation and the complainant having returned from Malaysia, the petitioner can be granted the concession of pre-arrest bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the following conditions:

- (1) Petitioner will join investigation as and when required;
- (2) Petitioner will not tamper with the evidence or hamper the investigation in any manner;
- (3) Petitioner will not commit any similar offence of which he is accused of during pendency of the trial; and
- (4) Petitioner will not leave India without prior permission of the trial Court and deposit his passport, if possessed, before the trial Court.

In case of violation of any of the aforesaid conditions by the petitioner, it will be open to the prosecution agency or the complainant to seek cancellation of his bail.

(M.M.S. BEDI)
JUDGE

October 05, 2015
harsha