IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19421-2016 (O&M)
Date of decision : 12.12.2016

Sahibjit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S. Khaira, Sr. Advocate,
with Mr. Randeep Singh Khaira, Advocate,
for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Amarjit Singh.

Mr. N.S. Dandiwal, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek pre-arrest bail in FIR No.62 dated 06.05.2016 dated 06.05.2016, registered under Sections 406, 420 and 120-B of the Indian Penal Code, at Police Station Bagha Purana, Distt. Moga.

Heard.

On 31.05.2016, the following order was passed:-

"Petitioners apprehend arrest in a case registered at the instance of Jaswinder Singh, an NRI alleging that he was persuaded by the petitioners and two others to invest a sum of Rs.2 crore in the business of marriage palace. On account of project having not proved beneficial to the parties, on 21.3.2016, the petitioners along with others co-owners appear to have agreed to transfer either half share in the marriage palace land in the name of the complainant or to return the amount.

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Counsel for the petitioners submits that he has got instructions to state that the petitioners are ready to amicably resolve the dispute with the petitioners either by repaying the amount or by compensating the complainant in an appropriate manner.

Notice to the Advocate General, Punjab, for 10.8.2016.

At this stage, Mr.N.S.Dandiwal, Advocate has intervened on behalf of the complainant to oppose the application for prearrest bail doubting the bona fide of the petitioners.

Taking into consideration the intention of the petitioners expressed through counsel, it is ordered that the petitioners will join investigation on 18.6.2016 and 23.7.2016. The petitioners will hand over a bank draft in the sum of Rs.25 lacs in the name of the complainant to the investigating officer on 18.6.2016 and another bank draft of Rs.15 lacs on 23.7.2016. In case of petitioners doing so, they will be released on interim bail to the satisfaction of the arresting officer.

Submissions of the bank draft will be indicative of the intentions of the petitioners and will be subject to final decision in the present petition."

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 31.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

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The bank drafts lying with the investigating officer in terms of order dated 31.05.2016, be handed over to the complainant, who shall deposit the same into his own account and convert them into FDR(s), initially for a period of one year. The amount so accumulated shall be subject to the decision of the trial.

12.12.2016 **(JITENDRA CHAUHAN)**
atulsethi **JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

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