

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25984 of 2016

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Date of decision:21.11.2016

Manjit Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Shranav Katyal, Advocate for Mr. Pratham Sethi, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.31 dated 2.5.2016 registered for the offence under Section 420 IPC at Police Station S.G.N. Dev Thermal Plant, District Bathinda.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that as per the allegations in the FIR, the

accused and present petitioner are running their business in the name and style of Crown Optimistic Consultants Pvt. Ltd. and Tradenext Ltd. and are engaged in the business of investing the money of the public in their Companies. It is in the FIR that in the year 2011, the complainant fell prey in the luring of the accused persons and had invested money in their companies and the accused persons started paying the interest from time to time @3 per cent upon the appropriate amount, by doing so, they had taken the complainant into their full confidence and told him that under different schemes of investment, the amount of interest is worked out separately and asked the complainant to ask his friends and relatives to invest the money in the above mentioned Companies and the friends and relatives had got invested their monies in their Companies.

Learned counsel for the petitioner stated that the present petitioner is only an employee in the Company. He is neither the beneficiary nor the main accused. Further more, I find that the present petitioner was arrested by the same Police Station as per the annexure in the month of June 2016 in another FIR, but the Police has not arrested him in the present FIR, which was earlier to that FIR. Learned counsel for the petitioner has also argued that he has already handed over whatever record was available in the other FIR to the Police.

The learned State counsel has not rebutted this fact. The petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 3.8.2016 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 21, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No