

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

**Criminal Misc.No.M-27128 of 2016 (O&M)
Date of Decision : 29th November, 2016**

Rajinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Vishal Dhawan, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.

Mr. D.S.Pheruman, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

Petitioner has preferred this petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.125 dated 01.07.2015, registered at Police Station Lopoke, District Amritsar, under Sections 420 IPC.

As per the allegations, the petitioner and the co-accused Lakhwinder Singh duped the complainant of an amount of Rs.32,00,000/- on the promising of sending his son abroad. Out of Rs.32,00,000/-, Rs.3,00,000/- was taken by cash and Rs.29,0000/- had been transferred by RTGS from the account of complainant to the account of Lakhwinder Singh and then from the account of Lakhwinder Singh to the account of the petitioner.

The case of the petitioner, on the other hand, is that he had no

concern with the fraud which may have committed by Lakhwinder Singh with the complainant but there was an independent transaction whereby the petitioner had agreed to sell his property to Lakhwinder Singh and rather Lakhwinder Singh had paid an amount of Rs.38,00,000/- to the petitioner as earnest money for that date and he has been named only because the complainant has come to know that Lakhwinder Singh has deposited the amount in his account. The petitioner has also placed on record copy of agreement to sell and the bank documents showing these transactions as well his presence before the Sub-Registrar on the prescribed date. Further, the complaint was filed more than three years after the money was received.

On 16.08.2016, this Court, passed the following order:-

“Learned Additional Advocate General seeks time to file reply.

Learned counsel for the petitioner states that he would have no objection but in that case some interim relief be granted to the petitioner.

In the circumstances, let the petitioner appear before the Investigating Officer on 26.08.2016 or on any other date on which his appearance is required by the Investigating Officer. On his appearance the I.O. shall release him on interim bail to his satisfaction subject to the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 21.09.2016.”

Learned counsel for complainant has, however, argued that the agreement to sell could be an arrangement between Lakhwinder Singh and the petitioner. It is also submitted that Lakhwinder Singh is absconding. Learned State counsel, on instructions, has stated that the petitioner has joined the investigation and he is not required for custodial interrogation.

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In the circumstances, without going into the merits of the case,
I do not deem it appropriate to deny the concession of anticipatory bail to
the petitioner in the present case.

Ordered accordingly.

Resultantly, the interim order dated 16.08.2016 is made
absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(AJAY TEWARI)
JUDGE

29th November, 2016

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No