

Sr. No.205

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-3616 of 2016 (O&M)

Date of Decision: 23.05.2016

Hardam Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Aminder Singh, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G.,Punjab.

Mr. P.S.Sekhon, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.121 dated 23.12.2015, under Section 420 of Indian Penal Code, registered at Police Station Sadar Sangrur, District Sangrur.

Counsel for the parties have been heard.

FIR was registered at the instance of Jagan Nath. Complainant asserted that a deal was finalized with the present petitioner for a total sum of Rs.9 lac for sending his son abroad i.e. to Thailand. A sum of Rs.8 lac is stated to have been paid by cheque in the name of the present petitioner and Rs.50,000/- by cash to co-accused Rahul.

While issuing notice of motion, the following order was passed by this Court on 01.02.2016:-

“Counsel appearing for the petitioner would

submit that conciliation proceedings are under way between the parties and there is every possibility of an amicable settlement. It has further been categorically contended that out of the amount of Rs. 8.5 lacs that had allegedly been entrusted by the complainant to the petitioner, a sum of Rs.4 lacs has already been returned.

Notice of motion returnable on 25.04.2016.

In the meanwhile, petitioner is directed to join the investigation and to appear before the Investigating Officer.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigation Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel has apprised the Court that the petitioner has since joined investigation.

During the course of hearing, it has also gone uncontroverted that son of the complainant was sent to Thailand but returned back after a period of approximately six weeks.

State counsel upon instructions from HC Gurdarshan Singh would state that even a restaurant in Thailand was taken on lease and in the name of four persons but the son of the complainant apparently being not satisfied has returned back. A sum of Rs.4 lac is stated to have already been returned by the present petitioner to the complainant.

In the totality of the circumstances, it appears that it is a case of a business deal having not fructified.

In the considered view of this Court, the petitioner having already joined investigation, his custodial interrogation as such would not

be warranted.

Petition is allowed. Order dated 01.02.2016, passed by this Court, is made absolute.

Disposed of.

23.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE